



2025:HHC:39792

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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 156 of 2023

Decided on: 24.11.2025

Kultar Singh

... Petitioner

Versus

Registrar Co-operative Societies, Himachal Pradesh
and others

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the petitioner	:	Mr. Surinder Saklani, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Addl. AG for respondents-State.
	:	Mr. K.S. Dhaulta, Advocate for respondent No. 3.

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has *inter alia* prayed for the following reliefs:-

"It is, therefore, respectfully prayed that this petition may kindly be allowed and order dated 30.11.2022 passed by respondent No. 1 may kindly be quashed and set aside, consequently allowing the appeal preferred by the petitioner, in the interests of justice and fair play.

2. The petitioner is aggrieved by the award passed by learned Arbitrator under Section 72 of the Himachal Pradesh Cooperative Societies Act, 1968, in terms whereof, the claim petition

¹ Whether reporters of the local papers may be allowed to see the judgment?



filed by the petitioner for recovery of money from the respondent-Society has been dismissed. The petitioner is also aggrieved by the order passed by learned Appellate Authority dated 30.11.2022, in terms whereof, the appeal filed by the petitioner stands rejected.

3. Having heard learned Counsel for the parties and having carefully gone through the award passed by learned Arbitrator as well as the order passed by the learned Appellate Authority, this Court is of the considered view that the Appellate order is not sustainable in the eyes of law because the Appellate Authority has not dealt with the contentions of the petitioner, in the manner an Appellate Authority has to deal with the same.

4. A specific plea was raised by the petitioner before the learned Appellate Court with regard to rejection of his prayer by the Arbitrator of non-preparation of measurement book qua the construction of Milk Chilling Plant. The Arbitrator rejected the prayer of the petitioner for measurement of the construction work carried out by him by holding that with regard to said particular project, nine works were allotted to the petitioner by the sub-Committee and there was no condition specified that measurements of the works executed by the petitioner were to be carried out.

5. In appeal, the Appellate Authority has in verbatim returned the same findings without going into the issue as to



whether the findings returned by the Arbitrator were correct or incorrect as per record. There is no mention of any record. There is no mention of any agreement. There is no mention of any terms and conditions of the agreement and bald finding stands returned in this regard by the Appellate Authority to the effect that the request of the petitioner to prepare the measurement book was rejected by the Arbitrator on the ground that the work of Milk Chilling Plant was executed as per terms and conditions agreed between the Sub Committee of the Society and the appellant, for which work was allotted in nine parts and once the work was done as per agreed terms and conditions between the parties, the question to measure the work in accordance with the provisions provided by PWD and CPWD does not at all arise.

6. This Court is of the considered view that something more was required to be done at the end of the Appellate Authority rather than just reiterating the findings returned by the Arbitrator and as the same has not been done, the same renders the order passed by the Appellate Authority to be bad in law. This is for the reason that the Appellate Authority has to return its independent findings on the grounds of appeal which is missing in the order.

7. Accordingly, in light of above observations, this petition is allowed and the order passed by the Appellate Authority is



quashed and set aside and the matter is remanded back to the Appellate Authority to decide the same afresh, in according with law, after taking into consideration the record of the case and terms and conditions of the agreement. Needful be done within three months from today. Parties to cooperate with the Appellate Court to decide the case within the time period granted. It is clarified that this Court has not made any observation as far as the merit of the case is concerned and the appeal shall be decided by the appellate Authority on merit in accordance with law, uninfluenced of any observation made by this Court in the disposal of this petition. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 24, 2025
(narender)