



2025:KER:10553

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 10TH DAY OF FEBRUARY 2025 / 21ST MAGHA, 1946

WP(C) NO. 3920 OF 2025

PETITIONER:

THE EDANAD SERVICE CO-OPERATIVE BANK
THE EDANAD SERVICE CO-OPERATIVE BANK LIMITED
NO.7768, EDANADU .P.O., KOTTAYAM DISTRICT,
REPRESENTED BY ITS SECRETARY,
SRI. KRISHNACHANDRAN R NAIR,
PIN - 686 574.

BY ADV O.D.SIVADAS

RESPONDENTS:

- 1 THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL)
(SPECIAL SALE OFFICER, THIDAND S.C.B. GROUP)
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, MEENACHIL, KOTTAYAM,
PIN - 686 577.
- 2 PRIYA JAYAN
S/O. JAYAN.E.S., ILLATHUPARAMBIL HOUSE,
EZACHERRY.P.O., VELLILAPPILLY VILLAGE,
RAMAPURAM, KOTTAYAM,
REPRESENTED BY THE POWER OF ATTORNEY HOLDER,
JAYAN E.S., S/O. SOMASEKHARAN NAIR,
ILLATHUPARAMBIL HOUSE, EZACHERRY.P.O.,
VELLILAPPILLY VILLAGE, RAMAPURAM,
KOTTAYAM, PIN - 686 651.
- 3 RAJI PRAKASH
KADUKAPALLIL HOUSE, CHAKAMPUZHA KARA,
LALAN VILLAGE, MEENACHIL TALUK,
KOTTAYAM, PIN - 686 651.
- 4 RAJEEV JOSE,
KARUKAPALLIL HOUSE, CHAKAMPUZHA KARA,
LALAM VILLAGE, MEENACHIL TALUK,
KOTTAYAM, PIN - 686 651.



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5 THE KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAURAM,
REPRESENTED BY ITS DEPUTY REGISTRAR/SECRETARY,
PIN - 695 001.

SRI. DILEEP S KALLAR
SMT. SHEEJA C.S - SR. GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner Society initiated arbitration proceedings against respondents 2 to 4 for recovery of the loan advanced to them. The 1st respondent Arbitrator passed Ext.P1 Award in ARC No.1694 of 2023 directing respondents 2 to 4 to pay the principal amount with interest to the Society.

2. The 2nd respondent filed Appeal under Section 82 of the Kerala Co-operative Societies Act, 1969 before the Kerala Co-operative Tribunal and the Tribunal as per Ext.P4 order, set aside Ext.P1 Award on the ground that the Award is non speaking one and passed on the same day on which the ARC was posted for appearance of the parties and remitted the matter to the Arbitrator.



3. The petitioner submits that though the matter has been remitted to the Arbitrator, since no time limit is fixed by the Tribunal, the proceedings are being delayed. Therefore, this writ petition is filed challenging Ext.P4 order and for a direction to the Arbitrator to complete the proceedings in the ARC in a time bound manner.

4. On going through Ext.P4 order, it can be seen that Ext.P1 Award was interfered with for the reason that the same is a non speaking order and passed on the same day on which the ARC was posted for appearance of the parties. Therefore, I do not find any reason to interfere with Ext.P4 order. However, the Tribunal ought to have fixed a time limit for the Arbitrator to complete the proceedings in the ARC.

5. Sri.S.Dileep, the learned counsel for



respondents 2 to 4 submits that respondents 2 to 4 are cooperating with the proceedings before the Arbitrator and they do not have any objection in fixing time limit to complete the proceedings.

Accordingly, this writ petition is disposed of with a direction to the 1st respondent to dispose of ARC No.1694 of 2023, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment before the 1st respondent for due compliance.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**



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APPENDIX

PETITIONER'S EXHIBITS :-

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| EXHIBIT P1 | THE COPY OF THE AWARD IN ARC NO. 1694 OF 2023 DATED 8.12.2023 PASSED BY THE 1ST RESPONDENT. |
| EXHIBIT P2 | THE COPY OF THE EP NO. 1317 OF 2024 DATED EXECUTION PETITION FILED BY THE BANK BEFORE THE 1ST RESPONDENT. |
| EXHIBIT P3 | THE COPY OF THE APPEAL MEMORANDUM DATED 25.05.2024 FILED BY THE 2ND RESPONDENT BEFORE THE TRIBUNAL. |
| EXHIBIT P4 | THE COPY OF THE ORDER DATED 1.10.2024 IN APPEAL NO. 203 OF 2024 PASSED BY THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANATHAPURAM. |

RESPONDENTS EXHIBITS: NIL.