

C.A. Coop.T/C Society Ltd.
Vs.
Arpit Singh & Ors.

09.05.2025

Mentioned today by Shri S.K. Sharma, Ld.Counsel for Petitioner.

1. The matter was mentioned.
2. The case of the Petitioner is that the Petitioner being a Cooperative Thrift & Credit Society advanced a loan of Rs.6,00,000/- (Rupees six lakhs only) which was repayable in 24 monthly instalments to R-1, Arpit Singh, whose sureties were R-2, Ila Singh, R-3, Manoj Singh and R-4, Vivek Kumar Singh being jointly and severally liable to pay the said loan amount. Since R-1 defaulted in repaying the loan, the cooperative T/C society went in arbitration and the Ld. Arbitrator passed the Award dated 18.07.2019 holding the Respondents jointly and severally liable to pay a sum of Rs.7,92,082/- plus further interest @18%+3% per annum w.e.f 19.07.2019 till realization. The Petitioner society thereafter filed for recovery of the awarded amount which has resulted in attachment order dated 04.09.2024 vide which the R-6, DDO, BSNL was directed to withhold a sum of Rs.17,96,705/- (corrected as per corrigendum dated 06.05.2025 as Rs.13,54,711/-) as on 04.09.2024 plus interest in monthly instalments of Rs.45,000/- per month from the salary and allowances of said Manoj Singh.
3. Through the present petition, the Petitioner society is seeking direction to R-6, DDO, BSNL to effect recovery from R-3 immediately in terms of the order dated 04.09.2024, as the AGM (Admin), office of the General Manager, BSNL vide their letter dated 29.01.2025 has shown reluctance in giving effect to the said recovery mentioning that their office had not issued any NOC to the present revisionist society authorizing Manoj Singh, R-3, to act as surety to the purported loan. The Petitioner has relied upon the judgment of Division Bench of Hon'ble High Court of Delhi in WPC No.2327 of 2022 titled Sukhender Kumar Vs. C.A. Coop. T/C Society Ltd.

4. During the last hearing on 25.04.2025, the representative of the Petitioner was directed to clarify on the next date of hearing in the Court as to why this matter should not be dropped from the list in this Court and the Petitioner be directed to approach the Execution Court which has ordered the recoveries etc. for implementation of its orders. Only if such an effort is decided adversely qua the Petitioner, the Petitioner may take further steps as per law.
5. Today, the Petitioner has filed an order dated 30.04.2025 by the Assistant Collector, Grade-I, office of the RCS, whereby he has directed the Chief General Manager, BSNL to deduct and remit from the salary and allowance of the said DDO, General Manager (T), Nainital BA, BSNL, as the said DDO has caused wilful disobedience and a contempt of the court by projecting the said recovery orders, which are classified as arrears of land revenue, as a private act.
6. From the documents, placed on record, it is seen that the Petitioner is aggrieved by the non-compliance of the order dated 04.09.2024 and subsequent orders passed by the executing court i.e. Assistant Collector, Grade-I, Office of the Registrar Cooperative Societies, hence the Petitioner should approach the executing court itself for the implementation of its orders, as every court has got inherent powers to get its orders implemented. Moreover, the present orders dated 30.04.2025 & 06.05.2025 have been passed by the executing court, for the implementation of its earlier order dated 04.09.2024 which is impugned herein, rendering the present revision petition infructuous.
7. The present revision petition bearing case No.42/2025 titled "**C.A. Coop. T/C Society Ltd. Vs. Arpit Singh & Ors.**" is accordingly disposed of in terms of above.
8. File be consigned to record room after completion. /