

Case Name:- B. Krishna Bhat v. Addl. Registrar of Co-Operative Societies

Citation:- 2013 SCC OnLine Kar 124

Link:= <http://www.sconline.com/DocumentLink/22wxAgfS>

Judgement:- <https://share.google/I2D6hFeV6SY5RZiQu>

Summary and conclusion:-

The background of this case, B. Krishna Bhat v. The Addl. Registrar of Co-Operative Societies & Others (2013), is centered on a legal challenge initiated by the petitioner, B. Krishna Bhat. Key Details of the Case: Petitioner: B. Krishna Bhat, a resident of Girinagar, Bangalore. Respondents: The case was filed against several parties, including the Additional Registrar of Co-operative Societies, the Joint Registrar of Co-operative Societies (Bangalore Region), and the Secretary of the Vishwabharathi House Building Co-operative Society Limited.

Court and Date: The matter was heard in the Karnataka High Court and decided on January 28, 2013.

Context of the Dispute

While the specific underlying grievances are not detailed in the final order, the case was categorized as a Writ Petition (W.P. No. 40280 of 2010) related to Co-operative Societies (CS-RES). This indicates that the dispute likely involved administrative actions or decisions made by the Registrar's office or the specific House Building Co-operative Society named as a respondent.

The Legal Turn

The case concluded before a full trial on its merits because the petitioner's counsel submitted a memo seeking withdrawal of the petition. The justification for this withdrawal was that the case had become "infructuous"—meaning the legal issue had either been resolved elsewhere or no longer required the court's intervention. As a result, the court dismissed the petition based on this request.

The Core Issue

The primary matter before the Karnataka High Court was whether the writ petition filed by the petitioner should continue or be dismissed.

Conclusion

The court dismissed the petition.

The decision was reached because the petitioner's lawyer filed a formal note (memo) asking to withdraw the case. The lawyer explained that the petition had become "infructuous," which is a legal term meaning the matter no longer has any practical purpose or the issue has already been resolved/rendered moot outside of this specific court proceeding.

Consequently, Justice H.N. Nagamohan Das dismissed the case without further deliberation on the merits.

Case Name:- B. Manjunatha v. Assistant Registrar of Co-operative Societies

Citation:- 2012 SCC OnLine Kar 790

Link:= <http://www.sconline.com/DocumentLink/7fbQTEsc>

Judgement:-

Summary and conclusion:-

B. Manjunatha v. The Assistant Registrar of Co-operative Societies and Another (W.P. No. 42721/2011), the background of the case is as follows:

The Parties and Dispute

Petitioner: B. Manjunatha.

Respondents: The Assistant Registrar of Co-operative Societies (Respondent 1) and a multi-state co-operative society (Respondent 2).

Context: The case involves a dispute that arose under the Multi-State Co-operative Societies Act, 2002.

Factual Background

Arbitration Award: A dispute between the petitioner and the co-operative society was referred to an arbitrator. On July 4, 2011, the arbitrator passed an award against the petitioner.

Challenge to the Award: The petitioner filed a Writ Petition in the Karnataka High Court seeking to quash this arbitral award.

Nature of the Dispute: The dispute was governed by Section 84 of the Multi-State Co-operative Societies Act, 2002, which mandates that disputes regarding the constitution, management, or business of such societies be settled through arbitration.

The Legal Argument

The petitioner sought the court's "extraordinary jurisdiction" under Articles 226 and 227 of the Constitution of India to set aside the award. However, the core of the legal battle shifted from the facts of the dispute to whether a Writ Petition was the correct legal procedure to use.

Key Statutory Provisions

The case hinged on how the 2002 Act interacts with the Arbitration and Conciliation Act, 1996:

Section 84(4): States that the Arbitration and Conciliation Act, 1996 applies to these disputes as if they were a "submission to arbitration."

Section 84(5): Clarifies that the 1996 Act applies to the entire proceeding, including the final award.

In summary, the petitioner was attempting to use a High Court Writ to bypass the standard procedure for challenging arbitration awards, which eventually led to the dismissal of the petition on procedural grounds.

the judgment in Sri. B. Manjunatha vs. The Assistant Registrar of Co-operative Societies and Another (2012), the Karnataka High Court reached the following conclusion regarding the challenge to an arbitral award under the Multi-State Co-operative Societies Act, 2002.

The Conclusion

The High Court dismissed the writ petition.

The court declined to interfere with the case because the petitioner had an "alternative and equally efficacious remedy" available under the law.

Legal Reasoning

The court's decision was based on a specific interpretation of Section 84 of the Multi-State Co-operative Societies Act, 2002:

Finality of Reference: Under Section 84(3), the decision to refer a dispute to arbitration is final and cannot be challenged in any court.

The Correct Legal Pathway: Once an arbitrator passes an award (under Section 84(4)), the aggrieved party cannot jump straight to the High Court with a writ petition. Instead, they must follow Section 34 of the Arbitration and Conciliation Act, 1996.

Availability of Remedy: Section 84(5) of the Act acts as a "saving clause," ensuring that the procedures for setting aside an award found in the Arbitration Act apply here.

Judicial Restraint: The court emphasized that a Writ is an "extraordinary jurisdiction" and should not be used as a "panacea for all maladies" when a standard legal procedure (like filing an application to set aside the award) already exists.

Final Order

The petition was dismissed, but the court reserved liberty for the petitioner. This means the petitioner is still legally allowed to go back and challenge the arbitrator's award using the correct procedure under Section 34 of the Arbitration and Conciliation Act, 1996.