Punjab Co-operative Societies Act, 1961, Sections 55 and 56 – Limitation Act, 1963 Section – 3 Cooperative society allotting a flat to its member – Provisions of '1963 Act' are not applicable to the initiation of arbitration proceedings – Proceedings before an arbitrator is not a suit, appeal or application, therefore, Section 3 of the '1963 Act' has no application to arbitration proceedings of the present case. [ID 322702]

2014 PLROnline 0211

[punjab and haryana](#) HIGH COURT

Before:- Paramjeet Singh, J.

The Chandigarh Pepsu Cooperative House Building – Petitioner

Versus

The Secretary, Department of Cooperation and others – Respondents

C.W.P. No. 7930 of 2014 (O&M).

21.7.2014.

Punjab Co-operative Societies Act, 1961, Sections 55 and 56 – [limitation](#) Act, 1963 Section 3 Cooperative society allotting a flat to its member – Provisions of '1963 Act' are not applicable to the initiation of arbitration proceedings in respect of the claims made and adjudicated upon under Sections 55 and 56 of the '1961 Act' – If the contrary view is taken, it might seriously prejudice the practice of referring the dispute to arbitration under Sections 55 and 56 of the '1961 Act' as the proceedings under these provisions are statutory arbitration. [Para 9]

Punjab Co-operative Societies Act, 1961, Sections 55 and 56 – [limitation act](#), 1963, Section 3 Dispute between parties referred to arbitrator – proceedings before an arbitrator is not a suit, appeal or application, therefore, Section 3 of the '1963 Act' has no application to arbitration proceedings of the present case. It is well settled that expiry of period of limitation prescribed for a suit does not destroy the right, it only bars the remedy for enforcement of right in a Court of law. Therefore, provisions of '1963 Act' do not prevent an arbitrator from entertaining a claim even if it may be barred by limitation. [Para 8]

Tags: [Cooperative society](#), [Limitation Act S. 3](#), [Punjab Co-operative Societies Act S. 55](#), [Punjab Co-operative Societies Act S. 56](#)