

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 09.07.2026

Order pronounced on : 17.07.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.3608 of 2026
& CMP.No.15693 of 2026

T.K.Kares

.. Petitioner

Vs.

1.The Repatriates Co-operative Finance
 and Development Bank Limited, called as
 REPCO Bank
 Represented by its Authorised Signatory,
 No.33, North Usman Road,
 T.Nagar, Chennai – 600 017.

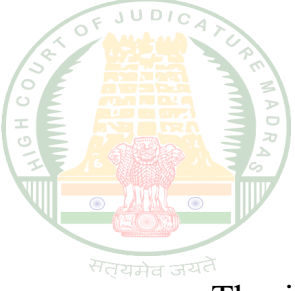
2.K.Naina Beevi
 3.K.Sarbudeen
 4.I.Bakartheen
 5.D.Yasin

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off E.P.No.158 of 2026 pending on the file of the Sale Officer appointed by Central Registrar of Co-operative Societies, attached REPCO Bank, Chennai.

For Petitioner : Mr.S.D.Venkateswaran
 for Mr.S.Ruban Prabu

For Respondents : Mr.A.Ilangovan for R1
 No appearance for RR4 & 5
 RR2 & 3 Not ready in notice

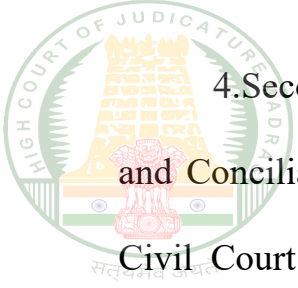


ORDER

The judgment-debtor, aggrieved by the order passed by the Executing Court in E.P.No.158 of 2026, has come up with the present revision petition, invoking Article 227 of the Constitution of India.

2.I have heard Mr.S.D.Venkateswaran, for Mr.S.Ruban Prabu, learned counsel for the revision petitioner and Mr.A.Ilangovan, learned counsel for the contesting 1st respondent.

3.Mr.S.D.Venkateswaran, learned counsel appearing for the revision petitioner would, at the outset, state that the parties are governed by the provisions of the Multi-State Co-operative Societies Act, 2002, and in terms of Section 84(5) of the said Act, the provisions of the Arbitration and Conciliation Act, 1996, alone would apply to the proceedings and in such view of the matter, according to the learned counsel, firstly, the execution petition has been filed, even before the expiry of the statutory appeal period provided under the Arbitration and Conciliation Act, 1996, which is in gross violation of Section 36 of the Arbitration and Conciliation Act, 1996.



4. Secondly, it is his submission that in terms of Section 2(1)(e) of the Arbitration and Conciliation Act, 1996, the Court that can execute an award is only the Principal Civil Court of original jurisdiction or the High Court having jurisdiction to try the subject matter of the arbitration and in the instant case, the execution proceedings have been initiated by the Sales Officer, without any jurisdiction or authority.

5. Thirdly, it is the submission of the learned counsel for the revision petitioner that Rule 37 of Multi-State Co-operative Societies Rules, 2002, mandates transfer of execution application for the purposes of execution of any decree or order or decision, to the Recovery Officer, in whose jurisdiction the judgment-debtor resides, or his property is situate. The learned counsel for the revision petitioner, in this regard, would submit that the property is admittedly situate within the jurisdiction of Thirukazhukundram Court, where the petitioner is also residing and in such circumstances, the Sales Officer sitting at Chennai is not empowered or entitled to execute the order.

6. Lastly, it is the submission of the learned counsel for the revision petitioner that even though the Act underwent amendments and even Section 84 of the Multi-State Co-operative Societies Act, 2002, has been brought in, within the ambit of Section 94, which relates to execution of decisions, decrees and orders under Chapter 11, since the arbitration proceedings were initiated prior to the date of amendment dated 03.08.2023 and no retroactive or retrospective effect having been given to such proceedings, the

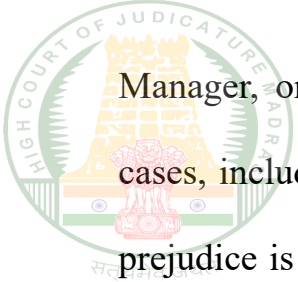


respondent cannot take advantage of insertion of Section 84 in Section 94. He prays for the revision being allowed.

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7.Per contra, Mr.A.Ilangovan, learned counsel appearing for the contesting 1st respondent would firstly contend that the award itself came to be passed only on 28.11.2025, even though ARC proceedings were initiated in 2021 and taken up in ARC.No.2 of 2022. He would therefore state that the award, having been passed after the amendment came into force, the execution of the award is governed by the amended provisions and there was nothing improper or illegal in the Sales Officer initiating proceedings for execution. With regard to the applicability of the provision of the Arbitration and Conciliation Act, 1996, the learned counsel for the 1st respondent would contend that Section 84 of the Multi-State Co-operative Societies Act, 2002, which provides for settlement of disputes and reference to arbitration and inviting my attention to Section 84(5) of the Multi-State Co-operative Societies Act, 2002, he contends that the provisions of the Multi-State Co-operative Societies Act would prevail over the Arbitration and Conciliation Act, 1996.

8.Insofar as the argument regarding the jurisdiction of the Sales Officer, the learned counsel for the 1st respondent would rely on the order passed by the Central Registrar of Co-operative Societies on 27.02.2025, in exercise of powers under Section 97 of the Multi-State Cooperative Societies Act, 2002, appointing the Deputy General



Manager, one Thamodharan S, as a Sales Officer, empowering him to deal with 12 cases, including the case of the revision petitioner. He would therefore contend that no prejudice is caused to the petitioner, on account of a specific Sales Officer having been appointed by the Central Registrar of Co-operative Societies, conferring jurisdiction on him insofar as the subject matter of dispute is concerned. He would therefore pray for dismissal of the revision.

9.I have carefully considered the submissions advanced by the learned counsel on either side.

10.Firstly, I will deal with whether the provisions of the Arbitration and Conciliation Act, 1996 alone will have to be resorted to, for the purposes of execution of the award. No doubt, the arbitration proceedings were initiated in October 2021 and taken up in ARC.No.2 of 2022. At that relevant point of time, there can be no two opinions that the unamended provisions of then Act, especially, Section 94 dealing with execution, did not encompass Section 84. At the same time, it cannot be brushed aside that the award admittedly came to be passed on 28.11.2025, long after Act 11 of 2023, inserting Section 84 into Section 94. After amendment, Section 94 of the Multi-State Co-operative Societies Act, 2002, (after amendment) reads as follows:

“94. Execution of decisions, etc.— Every decision or order made under section 39 or section 40 or section 83 or 1 [section 84 or] section 99 or section 101 shall, if not carried out,—



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(a) on a certificate signed by the Central Registrar or any person authorised by him in writing in this behalf, be deemed to be a decree of a civil court and shall be executed in the same manner as if it were a decree of such court and such decree shall be executed by the Central Registrar or any person authorised by him in writing in this behalf, by attachment and sale or sale without attachment of any property of the person or a multi-State co-operative society against whom the decision or order has been made; or

(b) where the decision or order provides for the recovery of money, be executed according to law for the time being in force for the recovery of arrears of land revenue: Provided that any application for the recovery of any sum shall be made in such manner—

(i) to the Collector and shall be accompanied by a certificate signed by the Central Registrar or by any person authorised by him in writing in this behalf;

(ii) within twelve years from the date fixed in the decision or order and if no such date is fixed, from the date of decision or order, as the case may be; or

(c) be executed by the Central Registrar or any person authorised by him in writing in this behalf, by attachment and sale or sale without attachment of any property of the person or a multi-State co-operative society against whom the decision or order has been made.”

When an award itself is passed, after the amendment to Section 94, incorporating Section 84 and bringing it within the ambit of execution by the Central Registrar or any person authorised by him, I am unable to countenance the arguments of Mr.S.D.Venkateswaran, learned counsel for the petitioner that it is only the provisions of the Arbitration and Conciliation Act, 1996, that would prevail and apply to the facts of the present case. At this juncture, it would be useful to refer to Section 84, which deals with reference and disputes. Section 84(1) and 84(5) are usefully extracted hereunder:



“84.Reference of disputes.-

(1) Notwithstanding anything contained in any other law for the time being in force, if any dispute [other than a dispute regarding disciplinary action taken by a multi-State co-operative society against its paid employee or an industrial dispute as defined in clause (k) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) touching the constitution, management or business of a multi-State co-operative society arises.

(5) Save as otherwise provided under this Act, the provisions of the Arbitration and Conciliation Act, 1996 (36 of 1996) shall apply to all arbitration under this Act as if the proceedings of arbitration were referred for settlement or decision under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996).

11. Section 84(5) clearly opens with a rider that the provisions of the Arbitration and Conciliation Act would apply, only if not otherwise provided under this Act. When Section 94 clearly provides for the manner of execution of decisions or orders made under the Act, including Section 84, with the amendment coming into effect on 03.08.2023, I am unable to see any merit in the contention put forth by the learned counsel from the petitioner that only the provisions in the Arbitration and Conciliation Act would apply and not the provisions of the Multi-State Cooperative Societies Act, 2002. Once this argument is rejected, there is no merit in the other contentions that the execution petition has been instituted before the expiry of the statutory period under the Arbitration and Conciliation Act, by referring to Section 36 of the Act and also with regard to execution of awards in terms of Section 2(1)(e) of the Act, 1996.

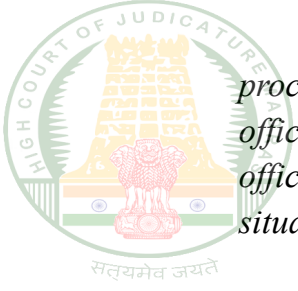


12. Section 99 of the Multi-State Co-operative Societies Act, 2002, provides for appeal against an order to the Central Registrar and to be made within 60 days from the date of the decision or order, to the Appellate Authority. In and by Act 11 of 2023, with effect from 03.08.2023, Section 98-A has also been introduced, providing a review to the Central Registrar seeking review of any order passed under clause (b) of subsection (1) of Section 94 pertaining to execution of decisions of the Central Registrar. However, the proviso to Section 98-A mandates the review applicant to deposit with the Society concerned, 50% of the amount of recoverable dues. Such review is also to be filed within a period of 60 days from the date of receipt of the decision or order of the Central Registrar. In such view of the matter, if at all the petitioner is aggrieved by the order passed in execution, an effective remedy is available even under the statute under Section 98-A. However, since the petitioner has chosen to challenge the proceedings before this Court by way of revision petition, I do not intend to render the petitioner remediless. In this regard, suitable directions are being issued in the concluding paragraph of this order.

13. With regard to reliance placed on Rule 37(1) of the Multi-State Cooperative Societies Rules 2002 which reads as follows:

“37. Procedure in execution of decrees, orders and decisions:-

(1) Any decree-holder requiring the provisions of clause (c) of section 94 to be applied, shall apply to the recovery officer in whose jurisdiction the cause of action arose and shall deposit the necessary costs as fixed by the Central Registrar. If the judgment debtor resides, or the property to be

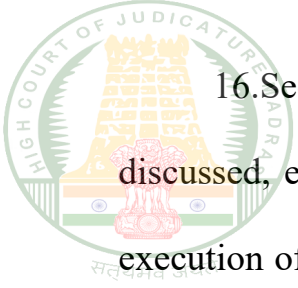


proceeded against is situated, outside the jurisdiction of such recovery officer, the recovery officer shall transfer the application to the recovery officer in whose jurisdiction the judgment debtor resides or the property is situated.”

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14.It is the argument of the learned counsel for the petitioner that the Sales Officer sitting at Chennai cannot put to execution an award, that too, proceed against the petitioner, who is an ordinary resident of Thirukazhukundram, owning property within the jurisdiction of Thirukazhukundram and beyond the jurisdiction of the Courts at Chennai.

15.As seen from the above Rule, what all required is that the execution has to be made by the Sales Officer having competence and jurisdiction, particularly, the area, where the judgment debtor resides or owns property. In the present case, by virtue of Section 97, the Central Registrar had issued a circular on 09.12.2024 for the purposes of enabling execution of decrees and awards passed under Section 84 of the Multi-State Cooperative Societies Act, 2002. In pursuance of the said circular and powers conferred under Section 97 of the said Act, the Central Registrar of Cooperative Societies has appointed various officers as “Sales Officers” to enable them to execute order and awards. Insofar the petitioner-Company is concerned, one Thamodharan S, the Deputy General Manager has been assigned/allotted with the subject case.



16. Section 94 of the Multi-State Co-operative Societies Act, 2002, as discussed, empowers the Central Registrar to authorise any person for the purposes of execution of a decree as if it is decree of a Civil Court. In such view of the matter, I am unable to see any violation of mandate of Rule 37 as well and merely because a particular Sale Officer has been appointed to execute the decree against the revision petitioner and such officer does not have office within the jurisdiction of the Court concerned where the petitioner resides or his property situate. I am unable to see firstly any prejudice to the petitioner and secondly, there is no violation of the mandate of Rule 37 as well since the Rule only requires that the jurisdictional Sale Officer should execute the award or decree, which is being strictly complied with in the instant case. For all the above reasons, I am unable to see any merit in the revision petition. The revision fails.

17. In fine, the Civil Revision Petition is dismissed. However, considering the fact that the petitioner has been pursuing his remedy before this Court and in view of Amendment Act 11 of 2025, introducing Section 98-A to Multi-State Cooperative Societies Act, 2002, providing a remedy by way of review before the Central Registrar, to review the decision regarding execution of his decisions under section 94, I am inclined to give liberty to the petitioner, if so advised, to move the Central Registrar by way of review, within a period of three months from the date of receipt of a copy of this order, subject to the compliance of first proviso to Section 98-A. If any such review is filed within a period of three months and the first proviso to Section 98-A is complied,



then the second proviso fixing a period of 60 days shall not be put against the revision
petitioner and the review shall be entertained and disposed of on its own merits by the
Central Registrar thereafter. No costs. Connected Civil Miscellaneous Petition is closed.

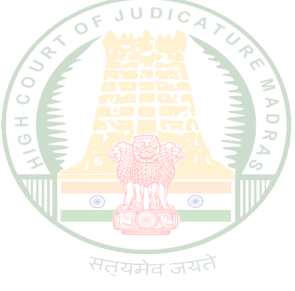
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Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

The Registrar of Co-operative Societies, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.3608 of 2026
& CMP.No.15693 of 2026

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