2026:UHC:10504

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.3503 of 2026

18th November, 2026

Harish Chandra Sah Jagati .....Petitioner

Versus

Almora Urban Cooperative
Bank Limited and others .....Respondents

Presence:-
Dr. Govind Singh Latwal, learned counsel for the petitioner.
Mr. Yogesh Pandey, learned D.A.G. for the State.
Mr. Siddhant Manral, learned counsel for the respondent-Bank.

Hon'ble Pankaj Purohit, J.

The petitioner is an employee of the respondent, Almora Urban Co-operative Bank Ltd. (hereinafter referred to as the "Bank"), who retired from service on 31.03.2021. During his tenure with the respondent-Bank, in the financial years 2015–16 and 2016–17, the petitioner, in his capacity as a Loan Officer, had recommended the disbursement of certain loans. However, upon the borrowers' accounts being classified as Non-Performing Assets (N.P.A.) due to non-payment of the loan amounts, the respondent-Bank sought to recover the outstanding loan amounts, along with interest, from the petitioner, purportedly in exercise of the powers conferred under Section 17 of the Uttarakhand Co-operative Societies Act, 2003 (hereinafter referred to as the "Act of 2003").

2. The respondent-Bank initiated arbitration proceedings against the petitioner before the Arbitrator, namely, the Registrar, Co-operative Societies and the said arbitration proceedings culminated in an award being passed in favour of the respondent-Bank. Aggrieved by the said award, the petitioner challenged the same by preferring an appeal before the Co-operative Tribunal under Section 98 of

the Act of 2003.

3. It is contended by learned counsel for the petitioner that the amount sought to be recovered from the petitioner is ₹22,00,000/-. It is further submitted that the respondent-Bank has attached petitioner's property, which had been mortgaged as security for a loan that had already been fully repaid during petitioner's service tenure. Aggrieved by the said action of the respondent-Bank, the petitioner has approached this Court.

4. It is submitted by learned counsel appearing for the respondent-Bank that the petitioner has already challenged the arbitration award before the Appellate Authority, namely, the Co-operative Tribunal, by filing an appeal along with an application seeking interim relief. It is further contended that, instead of approaching this Court, the petitioner ought to have pursued the said application and sought a stay of the impugned award from the Co-operative Tribunal.

5. In reply, learned counsel for the petitioner submits that the Co-operative Tribunal is presently not functional. The said submission is vehemently disputed by learned counsel appearing for the respondent-Bank, who, in support of his contention, has placed reliance upon order dated 30.06.2026 passed by a Coordinate Bench of this Court in Writ Petition (M/S) No. 1829 of 2026, *Bahadur Singh Rautela Vs. State of Uttarakhand*. In paragraph 4 of the said order, it has been observed that, as per the statement made by Mr. Dheeraj Singh Garbyal, Secretary, Tourism, the Co-operative Tribunal is functional. Accordingly, learned counsel for the respondent-Bank submits that the petitioner's contention regarding the non-functioning of the Co-operative Tribunal is devoid of merit.

6. Paragraph no.4 of the aforesaid order is quoted hereinbelow:-

> "In sequel to the order dated 29.06.2026, Mr. Dheeraj Singh Garbyal, Secretary, Tourism is virtually present. He submits that since Secretary, Cooperative is on leave, therefore, he is acting as Link Officer on his behalf. He submits that two members of Cooperative Tribunal have recently been appointed on 25.06.2026 and on 29.06.2026, respectively. He submits that Cooperative Tribunal is now functional, as there is no prohibition in the Statute that the Tribunal cannot function in the absence of Chairperson. He further submits that process for appointing Chairperson is on and advertisement inviting application would be published shortly."

7. Learned counsel appearing for the respondent-Bank, on instructions, submits that the respondent-Bank shall not take any coercive steps against the petitioner until the application seeking interim relief is decided by the Co-operative Tribunal.

8. In view of the aforesaid facts and circumstances of the case, the writ petition is disposed of finally with a direction to the petitioner to take appropriate steps for expeditious disposal of his application seeking interim relief pending before the Co-operative Tribunal. The Co-operative Tribunal is directed to decide the petitioner's application for interim relief within a period of eight weeks from the date of production of a certified copy of this order.

(**Pankaj Purohit, J**.)
18.11.2026

SK
SHUBHAM KAPRUWAN