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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./163/2024

DIBRU DANGARI RIVER PART 1 MEEN SAMABAY SAMITY LTD
POST OFFICE- DIGHALTARANG, DISTRICT- TINSUKIA, ASSAM
REPRESENTED BY ITS CHAIRMAN RANJIT DAS AGED ABOUT 54 YRS, S/O-
KAMINI DAS, R/O- VILLAGE DIGALTAARANG, POST OFFICE-
DIGHALTARANG, P.S- BAGHJAN, DIST. - TINSUKIA, ASSAM, PIN- 786151

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, CO-
PERATION DEPTT., DISPUR, GUWAHATI- 06.

2:THE REGISTRAR OF COOPERTIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI-22.

3:THE ASSISTANT REGISTRAR OF COOPERTIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI-22.

4:BIKASH DAS
S/O-LATE SACHINDRA MOHAN DAS

R/O-VILLAGE-GUIJAN
PO-RANGAGORA
DISTRICT-TINSUKIA
ASSA

Advocate for the Petitioner : MR. S BANIK, MS F BEGUM

Advocate for the Respondent : SC, CO OP, MR. N K KALITA(R-4)

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 17.12.2024

Heard Mr. S. Banik, learned counsel for the review petitioner. Also heard Mr. V. Rajkhowa, learned standing counsel for the Cooperation Department, representing respondent nos. 1, 2 and 3; and Mr. N.K. Kalita, learned counsel for respondent no.4.

2. The petitioner herein is the writ petitioner in WP(C) 6243/2023. By a common judgment and order dated 30.04.2024, passed by this Court in WP(C) 6243/2023 (Dibru Dangari River Part-I Meen Samabay Samity Ltd. v. The State of Assam & 2 Ors.), WP(C) 1975/2024 (Dibru Dangari River Part-I Meen Samabay Samity Ltd. v. The State of Assam & 3 Ors.), and WP(C) 2094/2024 (Ranjit Das v. The State of Assam & 4 Ors.), it was held by this Court that as the Board of Directors of the Dibru Dangari River Part-I Meen Samabay Samity Ltd. stood dissolved on and from 30.09.2023, by operation of section 39 of the Assam Cooperative Societies Act, 2007, all the three writ petitions have become infructuous and need not be answered and/or decided.

3. By this review petition, the petitioner is seeking review of the said common judgment and order dated 30.04.2024, insofar as WP(C) 6243/2023 is concerned.

4. It is projected in this review petition that two relevant

communications, both dated 26.06.2023, could not be placed for consideration when WP(C) 6243/2023 was heard and decided. It has been submitted that by the first letter dated 26.06.2023, Sri Ranjit Das, the then President of the petitioner society had written to the Registrar of Cooperative Societies, Assam for appointment of Govt. nominee member in their society. By the second letter dated 26.06.2023, the Additional Registrar of Cooperative Societies (General), Assam had written to the Assistant Registrar of Cooperative Societies, Tinsukia to do the needful, wherein reference was made to the first letter dated 26.06.2023, from the said Sri Ranjit Das.

5. It has been submitted that there was inaction on part of the State respondents in nominating and/or appointing a Government's nominee member in the petitioner's society. Therefore, the Annual General Meeting (AGM for short), which was held on 29.09.2023, could not have been held to be not properly convened.

6. The learned counsel for the petitioner has submitted that despite due diligence, the said two communications dated 26.06.2023, could not be produced before this Court at the time of hearing of the writ petitions. Hence, it has been submitted that this is a fit and proper case for reviewing the common judgment and order dated 30.04.2024, insofar as WP(C) 6243/2023 is concerned.

7. Per contra, the learned standing counsel for the respondent nos.1, 2 and 3 has submitted that the respondent no.2 i.e. the Registrar of Cooperative Societies, Assam, has filed I.A.(C) No. 2965/2024 in connection with WP(C) 6243/2023, wherein a prayer has been made for extension of time by 3 (three) months from presentation of the said interlocutory application, i.e. 18.09.2024, to constitute a new Board of Directors as per the directions

contained in the common judgment and order dated 30.04.2024, passed by this Court in WP(C) 6243/2023 and two connected cases. It has been submitted that at the relevant time, sudden flood had caused extensive damage to the nearby surroundings of the society for which steps could not be taken to constitute the new Board of Directors of Dibru Dangari River Part-I Meen Samabay Samity Ltd. It has been submitted that as the said interlocutory application is pending for orders from this Court, the new Board of Directors could not be formed. It has been submitted that in view of the observations made by this Court in paragraph 6(e) of the common judgment and order dated 30.04.2024, any reference to the said two communications dated 26.06.2023 would be inconsequential.

8. The learned counsel for respondent no.4 has adopted the submissions made by the learned standing counsel for the respondent nos.1, 2 and 3.

9. Considered the submissions of all sides and carefully perused the materials available on record.

10. As per the "hearing report and finding" which is appended to communication dated 29.09.2023 (Annexure-8 to the writ petition), an opinion was rendered by the Assistant Registrar of Cooperative Societies, Tinsukia to the effect that the termination of Sri Bikash Das as Secretary of the Dibru Dangari River Part-I Meen Samabay Samity Ltd. and subsequent appointment of Sri Sanjay Das as the Secretary of the said society may be deemed as illegal. On a perusal of Annexure-J to the writ petition, it is seen that the notice dated 07.10.2023, to hold the AGM on 29.09.2023 was issued jointly by the President and Sri Sanjay Das, Secretary.

11. It is deemed appropriate to quote herein below sub-paragraph (e) of paragraph-6 of the common judgment and order dated 30.04.2024:

“e. On a specific query of the Court, it could not be brought to the notice of the Court that any of the litigating parties herein have assailed the finding of the ARCS, Tinsukia in answer no. 2 to query/ issue no. 8 of the "Hearing Report and Findings" of the ARCS, Tinsukia, which is appended to the communication dated 29.09.2023 by ARCS, Tinsukia. Thus, the said part of the finding has attained finality.”

12. Therefore, as AGM was summoned by Sri Sanjay Das, whose appointment as Secretary has been deemed to be illegal vide “hearing report and finding” by the Assistant Registrar of Cooperative Societies, Tinsukia, which is appended to communication dated 29.09.2023 (Annexure-8 to the writ petition), which has attained finality, it would only be a futile academic exercise by the Court to take into consideration the two communications dated 26.06.2023, referred hereinbefore. The AGM convened by a person, who was not recognized as Secretary of the Society cannot be sustained. Therefore, the Court is inclined to hold that consideration of the said two communications dated 26.06.2023, is inconsequential under the facts of the case.

13. Therefore, in light of the observations of the Court in sub-paragraph (e) of paragraph 6 of the judgment and order dated 30.04.2024, passed by this Court in WP(C) 6243/2023 WP(C) 1975/2024 and WP(C) 2094/2024, no case of review has been made out by the petitioner.

14. Hence, this review petition stands dismissed

JUDGE

Comparing Assistant