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December 24,  
2020

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
(Via Video Conference)**

**W.P.A. No. 9895 of 2020**

**The All India Organization of  
Chemists and Druggists  
Versus  
The State of West Bengal and another**

Mr. Nilanjan Bhattacharya,  
Mr. Arpan Guha,  
Mr. Saket Sharma.  
...for the petitioner.

Mr. Samrat Sen,  
Mr. Amitava Mitra.  
...for the State.

The petitioner is an All India Organization of Chemists and Druggists. Under the compulsion that the petitioner had to hold its Annual General Meeting by the year-end, that is, within December 31, 2020, the petitioner sought for permission to hold such Annual General Meeting on the virtual platform, alternatively for postponement of the Annual General Meeting (Election) schedule. Despite such repeated queries on the part of the petitioner, it is argued that the respondents failed to decide on the issue and/or correspond with the petitioner on that aspect.

On the contrary, vide communication dated November 6, 2020 (Annexure P/7 at page 55 to the

writ petition), the respondent no.2 informed the Secretary of the petitioner that there is no provision of extension of time of Annual General Meeting in West Bengal Societies Registration Act, 1961 and there are no Government directives in that regard. Under the circumstances, it was intimated that the petitioner may comply section 16 and 17 of the Act, failing which sub-section (3) of section 16 and sub-section (4) of section 17 will be applicable.

Learned counsel for the petitioner argues that such a double jeopardy is being faced by the petitioner due to the nonchalant attitude of the respondents, on the one hand in sitting tight over the petitioner's query regarding election on virtual platform and on the other mandating the petitioner to hold the Annual General Meeting as per law without any grant of extension, which is impossible in the pandemic situation.

Learned senior counsel appearing for the respondent-authorities controverts the factual allegations but, in his usual fairness, submits that the respondent no.2 has to take a decision on the holding of Annual General Meeting on virtual platform immediately.

The petitioner, however, insists that an Annual General Meeting has already been fixed on December 27, 2020 and it would be logistically

impossible to postpone the same at the eleventh hour, since the cut-off date would be December 31, 2020 within which such Annual General Meeting has to be held.

Keeping in view the circumstances, W.P.A. 9895 of 2020 is disposed of by directing the respondent no.2 to consider the representation of the petitioner dated October 12, 2020 (Annexure P/5 at page 47 to the writ petition) and to decide on the same at the earliest, latest by a fortnight from date. It is made clear that the petitioner will be at liberty to go ahead with the Annual General Meeting scheduled on December 27, 2020, to be held on the virtual platform. The petitioner shall not publish the results of the elections held in the Annual General Meeting till a decision is taken on the representation by the respondent no.2. However, in the event the respondent no.2 permits the Annual General Meeting to be held virtually, the respondent no.2 shall also ratify the Annual General Meeting held on December 27, 2020 on such score and the decision of the respondent no.2 shall be retrospective in effect as far as the Annual General Meeting scheduled on December 27, 2020 is concerned.

Needless to say, it will be open to all interested parties to challenge the meeting dated

December 27, 2020 on other grounds than its being held on the virtual platform, if occasion so arises.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

***(Sabyasachi Bhattacharyya, J.)***