

MAT 121 of 2021
With
CAN 1 of 2021

**Contai Co-Operative Agriculture and Rural Development
Bank Limited & Ors.**

-Vs-

State of West Bengal & Ors.

Mr. Jaydip Kar
Mr. Billawal Bhattacharyya
Mr. Anish Kumar Mukherjee
... for the Appellants

Mr. Pradip Kr. Roy
Mr. Joydeep Roy
... for the Respondents

Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

This appeal was previously heard on the 11th of
February, 2021 along with an analogous appeal being
MAT 120 of 2021.

This appeal was adjourned for the day by the
order dated 11th of February, 2021 on the limited
ground of Learned Counsel appearing for the
appellants seeking an opportunity to take instructions
whether the State Government is a subscriber to the
share capital of the Co-operative Entity.

While granting such opportunity this Court was
also pleased to observe by its order dated 11th of

February, 2021 that the grounds of law on which the two appears are premises, i.e. the present appeal and MAT 120 of 2021, are similar focussing the scope of the challenge to the application of Chapter XIII A of the West Bengal Co-operative Societies Act, 2006 (for short, the 2006 Act) and, particularly Section 134C (3) (b) of the said 2006 Act.

Today, Mr. Bhattacharyya, Learned Counsel representing the appellants is unable to rebut the stand taken by Mr. Roy, Learned State Counsel, that the State Government is a subscriber to the share capital of the present appellants/Co-operative Entity.

However, Mr. Bhattacharyya attempts to persuade this Court on the definition of a Co-operative Entity as found in Section 4 of the 2006 Act. It is submitted that such definition ousts the present appellant/the Co-operative Entity from the scope of application of Section 134C (3)(b) under Chapter XIII A of the 2006 Act.

Having heard the parties and considering the relevant materials placed for the purpose of granting an interim order, this Court is persuaded to hold the view at this stage that the parties should be permitted to exchange their stand on affidavits.

This Court is also persuaded to hold the view that the appellants have not been able to make out a *prima facie* case for grant of an interim order.

The attention of this Court is further drawn to the order of the Hon'ble Single Bench dated 27th January, 2021 in the writ petition being WPA 1639 of 2021.

The Hon'ble Single Bench had refused the writ petitioners/the present appellants any interim order and also permitted the parties to exchange affidavits.

In view of the similarities in the view taken by this Court and the Hon'ble Single Bench with regard to the scope of intervention at the interim stage, this Court proposes not to keep this appeal pending any further.

Accordingly, the parties are permitted to exchange their affidavits as directed by the Hon'ble Single Bench to the order impugned dated 27th January, 2021. The Hon'ble Single Bench shall then be free to decide the writ petition on merits.

In the event, time granted to exchange affidavits by the Hon'ble Single Bench has expired in the meantime, such period shall stand extended by a week from this date to file the affidavit-in-opposition and a week thereafter to file the affidavit-in-reply.

Liberty to mention the matter before the Hon'ble Single Bench **strictly** upon notice to each other, subject to its convenience, after the period granted to exchange affidavits is complete.

MAT 121 of 2021 along with **CAN 1 of 2021**

stand thus **disposed of**.

All parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Hiranmay Bhattacharyya,J.) (Subrata Talukdar,J.)