

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 9512 of 2021

Deblal Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Md. Nauroz Rahber
... For the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Ankit Sureka
... For the State

The petitioner claims to be one of the elected members of the Board of Directors of Karandighi Circle Primary Teacher's Co-operative Credit Societies Limited who has subsequently been appointed as the Chairman of the said Society. The petitioner says that the Society had granted house repairing loan to its members. The recovery of the loan amount in view of an arrangement between the said Society and Raiganj Central Co-operative Bank Limited was actually done by the said Cooperative Bank by deducting the Equated Monthly Instalment (in short "EMI") from the monthly salary account of such member maintained with the Bank. The petitioner says that some of the members who had availed the house repairing loan even after repayment of the entire loan amount is facing recovery from the said Cooperative Bank by deduction of EMI from the salary account. The petitioner has made a

representation before the Cooperative Bank but the said Cooperative Bank has not resolved the dispute regarding recovery of EMI even after repayment of the entire loan amount. The petitioner is, therefor, seeking a mandatory direction upon the respondents no.7 and 8 to refund the EMI dated 1st April, 2021 recovered from its members to the concerned member and disbursement of the insurance claim to the Society. The dispute complained of squarely falls under the category of disputes mentioned in Section 102(d) of the West Bengal Co-operative Societies Act, 2006. The petitioner's Society is, therefor, required to approach the Registrar of Co-operative Societies for resolution of such dispute which also requires detailed appreciation of facts and cannot be done by a writ Court.

The petitioner is permitted to approach the Assistant Registrar of Co-operative Societies, being the respondent no.5, with the selfsame dispute as in the instant writ petition within three weeks from date. In the event such dispute is referred to the respondent no.5 within the timeframe provided, the said Assistant Registrar shall, within four months from the date of such reference, dispose of the matter in accordance with law after giving reasonable opportunity of hearing to the parties. The Registrar shall dispose of the matter with a reasoned order and shall communicate the same to the parties within seven days from the date of passing of the said order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)