

15.03.2021
Item No.3
Crt.No.11
K.B.

**M.A.T. 540 of 2020
with
I.A. No. CAN 1 of 2020
(Old CAN No.5958 of 2020)
with
CAN No.2 of 2020
(Old CAN No. 5961 of 2020)**

**Bidhan Chandra Roy Mahila Self Help
Group Co-operative Society Ltd. & Ors.
-Versus-
The State of West Bengal & Ors.**

Mr. Bhudeb Chatterjee
Mr. Rajendra Banerjee
Mr. Joy Chakrabarty
Mr. Dip Jyoti Chokrobarty
Ms. Sweta Gandhi Murgai
.... For the appellants.
Mr. Ashim Kumar Ganguly
Ms. Kakali Roy
.... For the State-respondents.

Mr. Animesh Mukherjee
Mr. Parvej Anam
..... for the Resp. No. 9.

The instant appeal is at the instance of the writ petitioners and is directed against an order dated July 28. 2020 passed in WP 5612(W) of 2020.

The challenge in the writ petition is the notice dated 15.06.2020 issued by the respondent No.2 herein whereby the appellants were directed to make a deposit in the CIF Account and to issue an engagement letter in favour of the respondent No.9.

This appeal is against an interim order passed in the writ petition whereby the writ petitioners/appellants herein were directed to furnish a sum of Rs. 4,09,000/- (Rupees

four lakhs nine thousand) only in favour of the District Magistrate, Birbhum in cash/bank draft drawn on a nationalised bank and issue engagement letter in favour of the Respondent no.9 within thirty days from the date of the order.

Mr. Chatterjee, learned advocate appearing for the appellants submits that the appellants had to pay to the suppliers a sum of Rs. 4,09,854.50 (Rupees four lakhs nine thousand eight hundred fifty four and fifty paise) only out of their CIF account as the operation of the General Fund Account was stopped on the ground that the respondent No.9 was not given appointment by the appellant Co-operative Society.

It was further argued by Mr. Chatterjee that initially the engagement letter could not be granted in favour of the respondent no.9 herein because of the fact that the Respondent no.9 was engaged in multiple projects.

This Court by an order dated March 1, 2021 directed the District Magistrate, Birbhum to file a report on the issues relating to stoppage of the General Fund Account of the Self-Help Group and also the fact of alleged engagement of the respondent No.9 in multiple projects.

Mr. Ganguly, learned Senior Government Advocate files a copy of the report dated March 13, 2021 of the District Magistrate, Birbhum/the Respondent No.3 to this appeal in Court today.

After going through the said report, we express our dissatisfaction to such report as the District Magistrate, Birbhum in his report did not decide and/or comment on the key issues formulated by this Court and as directed to be incorporated in such report. The report is however taken on record.

It appears from the said report that Bidhan Chandra Roy Mahila Self-Help Group Co-operative Society Limited has already submitted a demand draft amounting to Rs. 4,09,854.50 (Rupees four lakhs nine thousand eight hundred fifty four and fifty paise) only in favour of the District Magistrate, Birbhum being Demand Draft No. 317289 of the UCO Bank, Howrah dated March 10, 2021. It is also not in dispute now that the Respondent No.9 has been given an engagement letter by the appellants herein.

In view thereof, nothing remains to be decided in the instant appeal as the scope of the instant appeal is limited as indicated hereinbefore.

However, since the key issues formulated by this Court in the order dated March 1, 2021 has not been answered by the District Magistrate, Birbhum in his report dated March 13, 2021, the Respondents are directed to file their respective affidavits before the Hon'ble Single Judge indicating their stand in respect of the key issues formulated by this Court in the order dated March 1, 2021 as well as other issues involved in the writ petition.

Since the time limit stipulated in the order impugned stood expired in the meantime, the time for exchange of affidavits is extended on the prayer of the respective parties.

Let Affidavit-in-Opposition to the writ petition be filed by the Respondents within a period of four weeks from date; reply thereto, if any, be filed within two weeks thereafter.

Parties will be at liberty to mention the matter for inclusion in the list for hearing before the Hon'ble Single Judge after expiration of the period fixed for exchange of affidavits.

Parties will be allowed to perform their function in terms of the report of the District Magistrate, Birbhum dated March 13, 2021 till any decision is taken by the Hon'ble Single Judge in the pending writ petition and subject to any order that may be passed by the Hon'ble Single Judge on such writ petition.

The Registrar General, High Court, Calcutta is directed to communicate this order to the District Magistrate, Birbhum.

With the observation being **MAT No. 540 of 2020 with CAN 1 of 2020 (Old CAN 5958 of 2020) and CAN 2 of 2020 (Old CAN 5961 of 2020) are disposed of.**

There shall, however, be no order as to costs.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

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

(Hiranmay Bhattacharyya, J.)

(Subrata Talukdar, J.)