

14 **25.10.
2021**

Ct. No. 06

Saswata/AB

(Through video conference)

WPA 16543 of 2021

Yash Vardhan Baid
Vs.
The State of West Bengal and others.

**Mr. Harish Chandra Talwar,
Mr. Saptarshi Banerjee.**
... for the petitioner.

**Mr. Pradip Kumar Roy,
Mr. Biplab Das,**
... for the respondent no.2.

**Mr. Srijan Nayek,
Ms. Rituparna Maitra.**
... for the respondent nos.4-6

**Mr. Pratik Dhar, Sr. Adv.
Mr. Nishant Shukla.**
... for the respondent no. 10

**Mr. Siddhartha Mitra,
Mr. Swaraj Shaw.**
... for the respondent nos.
11-19 & 21-23

The grievance of the petitioner is that he made one application to the Cooperative Society being the respondent no. 8 for his membership and his allegation is that the decision thereon has not been communicated to him as is mandated by Section 64 (2) of the West Bengal Cooperative Societies Act and, thereby, his civil rights to participate in the election has affected. Section 64(2), *inter alia*, says that the decision unless communicated to the applicant, who wants a membership, within 15 days from the date of such decision the application shall be deemed to have been

accepted on the expiry of 60 days from the date of receipt of the application by the Cooperative Society.

It has not been shown before me that such a decision was communicated to the petitioner by Cooperative Society within the stipulated time, as laid down in Section 64 (2) of the said Act.

In such circumstances, in view of Section 102 of the said Act, wherein, it has been laid down that any dispute regarding affairs, etc. of a Cooperative Society other than the dispute relating to election is to be raised before the Registrar, who will decide the dispute, I direct the petitioner to send complete copy of his membership application which he made to the Co-operative Society to the Registrar within a period of 4 days from date. I direct the Registrar to decide on the question whether the petitioner is a member of the Cooperative Society or not and communicate the same within a period of 7 days from the date of such decision.

A Special Officer appointed for conducting the election in the Cooperative Society has submitted that the election result of the Cooperative Society has already been declared on 23rd October 2021.

I direct all respondents concerned not to give any effect or further effect to the election result till the decision of the Registrar on the question of membership of the petitioner is communicated to the petitioner. Copy

of such communication is to be given to the Special Officer and also to the Cooperative Society.

The Registrar shall give an opportunity of hearing to the petitioner and the Cooperative Society before deciding the question of his membership. After the decision is received by the Special Officer, further steps consequent to such election can be taken by the Special Officer in respect of the said Cooperative Society.

Any question of limitation for filing true and complete copy of the application to the Registrar by the petitioner is waived by this Court.

With these directions, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)