

D/L
Item No. 7
04.11.2022
KOLE

MAT 1552 of 2022
With
IA No. CAN 1 of 2022

Ayeshbag Samabay Krishi Unnayan Samiti Ltd. & Anr.
-Vs.-
The Assistant Registrar of Cooperative Societies & Ors.

Mr. Arijit Bardhan,
Mr. Sarosij Dasgupta,
Mr. Steven S. Biswas,

...for the appellants.

Mr. Srijan Nayek,
Mr. Ankit Surekha,
Mr. Biplab Das,

...for the respondent no. 1.

Mr. Partha Sarathi Bhattacharyya,
Mr. S. Chatterjee,

...for the respondent no. 2 and 3.

By consent of the parties the appeal and the application are taken up for hearing together.

The appellants have come up against an order dated September 6, 2020, whereby the learned Single Judge refused to grant *interim* protection to the appellants. The learned Judge has directed exchange of affidavits and directed the matter to be listed in January, 2023 for final hearing.

The appellants approached the learned Single Judge assailing an award dated August 18, 2020 passed by the Assistant Registrar of Cooperative Societies, Murshidabad under Section 139 of the West Bengal Cooperative Societies Act, 2006. The award is for a sum of approximately Rs. 21 crores. The learned Judge refused to pass any *interim* order on the ground of delay, observing that although the award

was passed in August 2020, the writ petition was filed only in May 20, 2022.

The appellants say that the impugned award is completely unreasoned and there is absolutely no indication in the award as to the basis on which the award has been passed. The award cannot be sustained.

We are not inclined to go into the merits of the case since the matter is pending before the learned Single Judge. However, having heard learned Counsel for the parties, we are inclined to expedite the hearing of the writ petition in the following manner.

Let affidavit in opposition to the writ petition be filed by November 18, 2022. Reply thereto, if any, be filed by November 25, 2022. The parties will be at liberty to request the learned Single Judge having determination to take up the matter for early disposal.

We have not gone into the merits of the case. Since we have not called for affidavits, the allegations made in the stay application are deemed not to be admitted.

The appeal and the connected application are disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)