

19<sup>th</sup> June,  
2023  
(AK)  
03

**W.P.A 13923 of 2023**

Suranjan Majumder and others  
Vs.  
The State of West Bengal and others

Mr. Srijib Chakraborty  
Mr. Aditya Mondal

...for the petitioners.

Mr. Manos Malhotra  
Mr. Kaustav Chatterjee

...for the State.

Mr. Avik Ghatak  
Mr. Soham De Dhara

...for the respondent no.3.

It appears from the order dated June 16, 2023, that there had been an agreement on principle with regard to the proposition that a court-appointed Administrator may be given the power to perform the functions of the Board of Managers and to oversee the election process of the concerned association.

However, when the matter is taken up for hearing today, it is submitted by learned counsel that the parties could not agree to a common name to be appointed as Administrator and to hold the elections.

There is also a dispute with regard to whether the fresh election should be held from the stage of the SGM which was held on April 30, 2023 at 4 p.m., the minutes

of which finds place at page-39 of the writ petition, or from after such stage.

Be that as it may, it would not be fair for this court, at this juncture, to tie up the hands of the Administrator in that regard.

It will open to the Administrator who will be appointed here to take his/her own decision with regard to whether the SGM held on April 30, 2023 shall be re-held or whether the election process should start from thereafter.

In any event, since the merits of the matter have not been gone into and it will be open to the Administrator to be appointed by court to decide as to the mode of holding the fresh election, further observations in that regard are not deemed to be welcomed at this stage.

Hence, WPA 13923 of 2023 is disposed of by appointing Mr. Saikat Chatterjee, a learned Advocate practising in this court as the Administrator, who will perform the functions of the Board of Managers of the concerned association, being the Anahita Residents' Association, and shall also hold a fresh election of the said Association in terms of the relevant by-laws.

The parties shall cooperate with the said Administrator in all respects and shall hand over necessary documents as sought by the Administrator for the purpose of conducting the affairs regarding the fresh

election and the functions of the Board of Managers till the said elections are held.

The remuneration of the Administrator, to be ascertained by the Administrator, shall be borne by respondent no.3, that is, the Anahita Residents' Association and shall be paid as and when required to be by the Administrator.

However, an *ad hoc* amount of Rs. 20,000/- shall be paid to the Administrator within a week from date by the respondent no.3-Association which will be adjusted with the final remuneration to be paid by the Association to the said Administrator.

The parties shall act on a server copy of this order without insisting upon prior production of a certified copy for the purpose of implementing the same.

The impugned order appointing an Administrator is hereby set aside and all actions taken in pursuance of such appointment shall hereby stand cancelled.

It is expected that the election process shall be concluded by July 31, 2023.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Sabyasachi Bhattacharyya, J.)**