

Item No.14

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

28.08.2023
Ct-24

WPA 20893 of 2023
Suvra Kumar Banerjee & Anr.
v.
Eastern & North-East Frontier Railway Co-operative
Bank Limited & Ors.

Mr. Tilak Mitra
Mr. Abhik Sarkar
Mr. Barun Chatterjee
... For the petitioners.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... For the respondent nos. 1 & 4.

Mr. Srijan Nayak
Mr. Biplb Das
...For the respondent no. 2.

The petitioners challenge certain actions on the part of the Eastern & North-East Frontier Railway Co-operative Bank Limited.

Learned advocate representing the Bank raises a preliminary objection with regard to the maintainability of the writ petition before this Court.

It has been submitted that the Bank is a private organization and the State authorities do not have any control over the same.

In support of the aforesaid submission, reliance has been placed on the order passed by a coordinate Bench of this Court on April 19, 2016 in WP 6161(W) of 2016 (Sri Saptarshi Basu v. Union of India & Ors.).

As a preliminary objection with regard to the maintainability of the writ petition has been raised, the same has to be sorted out first.

The provision of the Multi-State Co-operative Societies Act, 2002 has been placed before this Court, especially Section 84.

Section 84(2)(c) specifically mentions that for the purpose of sub-section (1) i.e. with reference to any disputes arising in connection with the election of an officer of Multi-State Cooperative Society shall be referred to arbitration. The dispute shall be decided by the Arbitrator to be appointed by the Central Registrar.

As there is an in house grievance redressal forum specified in the Act itself, accordingly, it will be appropriate to direct the petitioners to approach the said forum.

Moreover, the Bank in question cannot be treated as 'State' amenable to the writ jurisdiction.

In view of the above, the instant writ petition fails and is hereby dismissed.

Dismissal of the writ petition will not stand in the way of the petitioners to approach the appropriate forum in accordance with law, if so advised.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)