

Item No.350

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.12.2023
Ct-24

WPA 25568 of 2023
M/s. Mukti Oil Mills Private Limited & Ors.
v.
State of West Bengal & Ors.

Mr. Ranjan Kali
Mr. Mitul Chakraborty
Ms. Mili Saha
Ms. Payel Nath
... for the petitioners.

Mr. Ankit Sureka
Mr. Asis Dutta
... for the Bank.

Mr. Srijan Nayak
Mr. Rituparna Maitra
Mr. P.S. Pal
... for the respondent no. 2.

The petitioners challenge the proceeding initiated by the Deputy Registrar of Cooperative Societies, Hooghly Range under Section 139 of the West Bengal Cooperative Societies Act, 2006.

The petitioners contend that a civil suit has been filed by the Cooperative Bank with similar prayers, and accordingly, the Deputy Registrar of Cooperative Societies ought not to have initiated parallel proceeding under Section 139 of the Act.

Learned advocate representing the Deputy Registrar of Cooperative Societies submits that the impugned summons have been issued only for the purpose of conducting an enquiry.

Section 139 of the West Bengal Cooperative Societies Act, 2006 permits the Registrar or any person empowered under the rules to recover any sum that is due by a defaulting member of a Cooperative Society after an enquiry.

In the present case, admittedly, money is due to the Bank. The Registrar or any person empowered by him can always take steps under Section 139 for recovery of the dues. The pendency of the civil suit ought not to act as an impediment to conduct enquiry under the aforesaid provision.

The Court, accordingly, refrains from exercising jurisdiction in the matter.

The writ petition fails and is hereby dismissed.

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.)