

28.04.2023

Sl no. 10
Ct no. 2
P.M.

CPAN 1517 OF 2017
in
WPA 19656 of 2017
Md. Salauddin Middya
- Vs -
Ashis Kumar Bandopadhyay & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Dipayan Kundu
... for the petitioner

Mr. Uday Sankar Chattopadhyay,
Mr. Pronay Basak
... for the alleged contemnor No. 1
Mr. Srijan Nayek,
Ms. Rituparna Maitra
... for contemnor special officer.

Heard learned advocates appearing for the parties.

In compliance of the order of this Court dated 31st March, 2023 Mr. Arindam Bhattacharya, the present special officer appointed in respect of society in question is personally present.

Considering the facts and circumstances of the case and submission of the parties it is ample clear that there is clear violation of the order of this Court dated 18th August, 2017 by which respondent No. 2 the then Secretary of the society in question was directed to comply with the order of the Registrar of the Co-operative societies dated 28th April, 2017 which are as hereunder : -

“1. The order of suspension issued by the Respondent No. 2 Babla SKUS Ltd. against the petitioner Md. Salauddin Middya shall be withdrawn by the said society forthwith upon communication of this direction and the petitioner shall be reinstated;

2. The respondent No. 2 Babla SKUS Ltd. shall also take necessary action as per Clause 16(e) of the Appendix to Chapter V of the West Bengal Cooperative Societies Rules, 2011 after withdrawal of suspension and reinstatement of service of the petitioner.

3. The petitioner, after his reinstatement shall act in strict adherence of the provisions of the West Bengal Cooperative Societies Act, 2006 and Rules made thereunder with fullest observance of integrity and financial propriety.”

Considering the submission of Mr. Nayek, learned advocate representing the present Special Officer of the society in question that there is a practical difficulty in complying with the aforesaid direction upon the Secretary of the society since the terms of Board has been expired long back and at present there is no Secretary and the day to day affairs of the society is being looked after by the present Special Officer who is functioning within the ambit and scope of Section 36 of the West Bengal Co-

operative Societies Act, 2006, under which Special Officer is empowered to exercise of the power of the Secretary and the Board of the Society in question.

Considering the facts and circumstances of this case and submission of the parties the present Special Officer Mr. Bhattacharya of the society in question is directed to pass necessary order giving immediate effect to the aforesaid order of the Registrar of Co-Operative societies dated 28th April, 2017 and not beyond four weeks from date positively.

If the Special officer faces any difficulty in implementing this order he may take assistance of the local Police Station and the local Police Station will be bound to render necessary assistance to the Special Officer.

With this observation and direction the contempt proceeding and contempt application being CPAN 1517 of 2017 is disposed of.

However, list this matter as “To be mentioned” on 9th June, 2023, for filing compliance report.

(Md. Nizamuddin, J.)