

14.11.2024
Sl. No. 43
Ct. No.15
S.A.

WPA 3942 of 2024

Sri Hari Samabay Krishi Unnayan Samity Limited
-vs-
The State of West Bengal & Ors.

Mr. Dhiman Kumar Sengupta
Ms. Sweta Saha
Ms. Farhin Mustaque
...for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
...for respondent no.2

Mr. P. K. Roy
Mr. Ankit Sureka
Mr. Partha Sarathi Pal
...for Cooperative Election Commission
Mr. Deba Prasad Samanta
...for respondent no.6

Respondent no.6 initiated Dispute Case No. 131 of 2005-2006 before the Assistant Registrar, Cooperative Societies, Purba Medinipur, Range-1, which culminated in an award dated August 14, 2012 in favour of him. The award was, however, challenged by respondent no.6 before the appellate authority. By an order dated November 30, 2015, the appellate authority upheld the award.

As a result, a certificate was issued under Sections 4 and 6 of the Public Demand Recovery Act, 1913, being Certificate No. 12 of 2023-2024, for the recovery of a sum of Rs. 1,25,548/- (One Lakh Twenty-Five Thousand Five Hundred and Forty-Eight).

The petitioner has challenged the certificate by filing this writ petition. However, before this Court, the petitioner has not raised any substantial challenge to the award itself. The petitioner contends that it has initiated Dispute Case No. 199 of 2006-2007 against Respondent No. 6, seeking the recovery of Rs. 5,67,191/- (Five Lakh Sixty-Seven Thousand One Hundred and Ninety-One). The said dispute case was dismissed on December 4, 2007. Respondent no. 6 appealed the decision, and the appellate authority, by an order dated March 11, 2015, set aside the order dated December 4, 2007, and remanded the matter for fresh adjudication.

The petitioner submits that the said Dispute Case No.199 of 2006-2007 remains pending. It is contended that if the award passed in Dispute Case No. 131 of 2005-2006 is implemented, the petitioner's claim against respondent no.6 will be frustrated, as the petitioner will be unable to recover the aforementioned amount from respondent no.6.

The Court finds no merit in this argument. There is no apparent connection between the two cases, which have proceeded independently. The pendency of Dispute Case No. 199 of 2006-2007 cannot serve as a basis to stay the award dated August 14, 2012, passed in Dispute Case No. 131 of 2005-2006.

In light of the above, the Court is not inclined to entertain this writ petition.

The petitioner has already deposited the certificate amount of Rs. 1,25,548/- (One Lakh Twenty-Five Thousand Five Hundred and Forty-Eight) before the Registrar General of this Court, pursuant to the order dated June 12, 2024.

The Registrar General is directed to disburse the said amount, along with any interest accrued thereon, to respondent no.6 within one month from the date of this order.

Additionally, it is directed that Dispute Case No. 199 of 2006-2007, pending before the Assistant Registrar, Cooperative Societies, Purba Medinipur, Range-1, be disposed of within six months from the date of this order, without granting unnecessary adjournments to the parties.

Accordingly, **WPA 3942 of 2024** is disposed of.

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

(Kausik Chanda, J.)