

Item No.40  
26.04.2024  
S.H.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A.8698 of 2024**

**Mominul Haque  
-versus  
State of West Bengal & Ors.**

**Mr. Ramji Munsu  
Mr. Rittick Chowdhury  
Ms. Champa Pal  
...For the Petitioner.**

**Mr. P.K.Ray  
Mr. Joydeep Roy  
... for the Registrar.**

The grievance of the petitioner raised before the West Bengal State Co-operative Marketing Federation Limited relating to disbursement of funds is pending consideration.

The aforesaid respondent submits that the beneficiary of the tender has not been impleaded as party. There is an agreement with the beneficiary and the aforesaid respondent with regard to the amount involved in making construction and installation of pre-fabricated steel structure and shed.

Learned advocate representing the aforesaid respondent submits, upon instruction that, till the money is paid by the beneficiary to the aforesaid respondent, it will not be possible for the respondent to disburse the amount claimed by the petitioner.

It appears from the submission made on behalf of the parties that there is admittedly a dispute with

regard to payment of certain sum of money on account of performance of the work in terms of the tender floated by the respondent no. 2. Factual issues are involved which are required to be adjudicated.

The petitioner will be at liberty to raise a dispute before the Registrar of Co-operative Societies annexing all documents.

In the event such a dispute is raised, the same shall be considered by the Registrar in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A decision shall be taken in the matter at the earliest.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

**( Amrita Sinha, J.)**