

Item No.127

01.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8080 of 2023
Anup Kumar Jana & Ors.

v.

The State of West Bengal & Ors.

Mr. Asit Baran Raut
Mr. Tuhin Subhra Raut
Mr. Ishita Raut
... for the petitioners.

Mr. Srijan Nayak
Mr. Rituparna Maitra
... for the respondent no. 1.

Mr. Ankit Sureka
Mr. Biplab Das
... for the respondent nos. 3 & 4.

Mr. Subrata Kumar Basu
Mr. Sounak Sen
... for the respondent no. 5.

The petitioners are the members of the Midnapore Mahila Cooperative Credit Society Ltd. They allege that they are not being refunded the amount that they deposited in the various accounts of the cooperative society.

From the report dated February 8, 2024 filed before this Court by the Assistant Registrar of Cooperative Societies, Paschim Medinipur Range it appears that as per the audit report dated March 31, 2022 the total deposit of the Society was Rs. 3,478.00 lakh. The Society has a total fixed asset of amount Rs. 6,33,26,076.07/- including land value of Rs. 6,14,71,944.00/- and loan receivable Rs. 10,14,74,625.00/- with receivable interest of Rs.

11,14,00,327.00/- . The Auditors have pointed out several irregularities in the report.

It appears that there has been huge erosion of funds in the Society and a further huge amount of outstanding loan.

Learned advocate for the Assistant Registrar of the Cooperative Societies submits that FIRs were lodged against the members who were in charge of the management but the amount of the interest of the loan could not be recovered till date.

It appears that couple of cases under Section 139 of the West Bengal Cooperative Societies Act, 2006 was disposed of by the Assistant Registrar of Cooperative Societies (ARCS).

Leave is granted to the petitioner to approach the Assistant Registrar of Cooperative Societies under Section 102 of the Act. The ARCS shall take necessary steps to ensure that the amount deposited by the petitioners be refunded along with statutory interest.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

It will be open for the ARCS to lodge complaint(s) before the appropriate authority if the said officer detects financial irregularities in the accounts maintained by the Cooperative Society.

Till the matter is finally decided by the ARCS the assets of the Cooperative Society shall not be sold or transferred in any manner whatsoever.

The maintainability issue is not decided in the instant writ petition.

The writ petition stands disposed of.

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

Sh

(Amrita Sinha, J.)