

12 09.04.2024
AN Ct. No. 01
RP

MAT 623 of 2024
with
IA No. CAN 1 of 2024

Kuljora Samabay Krishi Unnayan Samity Limited & anr.
Vs.
State of West Bengal & ors.

Mr. Himangshu Kumar Ray
Mr. Subhasis Poddar
Ms. Shiwani Shaw

... For the Appellant

Mr. A. Ray, Id. G.P.
Mr. T. M. Siddiqui, Id. A.G.P.
Mr. Tanmoy Chakraborty
Mr. Saptak Sanyal

... For the State

1. This intra-Court appeal filed by the appellant cooperative society challenging the order passed by the learned Single Judge declining to grant any interim order. With the consent of the learned counsel for the respective parties, the appeal as well as the writ petition is disposed of by this common order.

2. The appellant had challenged the order of adjudication passed by the authority dated 06.03.2023 by which the proposal in the show cause notice dated 13.01.2023 was affirmed. It is undisputed that the entire amount as confirmed in the order dated 06.03.2023 has been recovered from cooperative society. The appellant did not file their reply to the show cause notice and consequently, the authority proceeded ex parte and affirmed the proposal in the show cause notice.

3. Learned counsel for the appellant submits that the appellant is a cooperative society catering to the need of the farmers and villagers and at the relevant time, there was no elected board and the Manager of the cooperative society was not well advised to respond to the show cause notice within time. It is to be noted that the show cause notice granted only two days time to respond the appellant society which, in our opinion, is clearly in violation of the principles of natural justice as the appellant was entitled to adequate opportunity to put forth their submissions, more particularly, the appellant being a cooperative society.

4. Therefore, we are inclined to remand the matter back to the authority for fresh consideration. However, the amount which has been already recovered shall remain in the hands of the respondent authorities and shall abide by the ultimate orders to be passed by the authority after considering the reply to be given by the appellant.

5. In the result, the appeal and its connected application and the writ petition all stand **disposed of** and the order of adjudication dated 06.03.2023 is set aside and the appellant is directed to submit their reply to the show cause notice dated 30.01.2023 within a period of four weeks from the date of receipt of the server copy of this order after which the adjudicating authority shall afford an opportunity of personal hearing to the authorized representative of the appellant and peruse the documents that may be placed

before it and pass fresh orders on merits and in accordance with law.

6. As observed earlier, whatever recoveries have been done after the order of adjudication dated 06.03.2023 shall abide by the fresh orders to be passed by the authority in terms of the above direction. The authority shall pass the fresh orders within a period three weeks from the date on which personal hearing is concluded.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)