

**IN THE HIGH COURT AT CALCUTTA**  
**CIVIL APPELLATE JURISDICTION**

**F.M.A.T. 285 of 2024**  
**With**  
**CAN 1 of 2024**

**Abhijit Bandyopadhyay**  
**Vs.**  
**Parla Jagadiswar Rao & Ors.**

**Mr. Pramit Kumar Ray, Sr. Advocate**  
**Mr. Rajib Mullick**  
**Ms. A. Bandopadhyay**

**... For the Appellant.**

**Mr. Tanmay Mukherjee**  
**Mr. Amal Kumar Saha**  
**Mr. S. Panda**  
**Ms. G. Kayal**

**Mr. Kishore Mukherjee**  
**Mr. A. Dey** .... **For the Respondent.**

**Re: CAN 1 of 2024**

Learned counsel for the parties are present before us.

We have heard them.

We are in a position to dispose of this appeal and the connected application today itself dispensing with all formalities.

**S.D.**

We have examined the impugned judgement and order dated 20<sup>th</sup> July, 2024 passed ex-parte in an application under Section 9 of the Arbitration and Conciliation Act, 1996. By this order the election of the Railway Employees' Co-operative Credit Society Limited scheduled to be held today has been stalled.

We are very pained to observe that the reasons advanced by the learned judge in passing such a drastic order are absolutely adequate vague and absurd. We set out the material part of the said order.

***“Perused the application for injunction, which has been supported by an affidavit, and the documents annexed herewith i.e. order dated 17.10.2023 passed by the Hon’ble High Court at Calcutta in W.P.A. 18135 of 2023, letter dated 01.02.2024, 25.06.2024, 28.06.2024, 04.07.2024, 11.07.2024, 15.07.2024, 16.07.2024, 17.07.2024, unsigned Voter List for the year 2024, Constituency List for the year 2024, nomination paper, pay slips.***

***Considering the materials available on record and after perusal of the documents, it appears that it is a clear violation of the direction of the Hon’ble High Court at Calcutta passed in WPA No. 18135 of 2024 for conducting the election of the Railway Employee’s Co-operative Credit Society Limited. As such, this Court is of the view that the petitioner has been able to make out a prima facie case in his favour and the balance of convenience and inconvenience is also in favour of him. If, at this stage, an order of ad-interim injunction is not passed in favour of the petitioner, then the petitioner shall suffer irreparable loss and injury and the purpose of filing the instant case will become infructuous.”***

What materials were considered by the learned judge are not mentioned. In what manner the direction of this court in the writ application (WPA 18135 of 2024) was violated is also not stated. In what manner the documents referred to in the said part of the order, namely, some letters, voters’ list, constituency list support suspension of the election process is also absent.

In those circumstances, we set aside the impugned judgement and order dated 20<sup>th</sup> July, 2024 with a direction that the Section 9 application be heard afresh at the motion stage upon notice to the respondents and any interim order thought fit to be passed by the

court be made with proper reasons.

The election scheduled to be held today may be conducted, subject to the result of the Section 9 application.

The conduct of the election and any steps taken in furtherance thereof will abide by the result of the Section 9 application.

All points including the question of maintainability are kept open before the learned judge.

The appeal (FMAT 285 of 2024) along with the connected application (CAN 1 of 2024) are disposed of.

**(I.P. Mukerji, J.)**

**(Biswaroop Chowdhury, J.)**

