

25
22.03.2024
d.p.

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

**W.P.A 24777 of 2023
IA No. CAN 2 of 2024
CAN 3 of 2024**

**Shri Goutam Das & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Subhrangsu Panda,
Mr. Sumitava Chakraborty,
Ms. Ina Bhattacharya,
Ms. Dibyanjona Das.
...For the Petitioners.**

**Mr. Arnab Roy.
...For the Respondent
Nos. 4 and 5.**

**Mr. Suman Sengupta,
Mr. Sanatan Panja,
Mr. Sambuddha Dutta.
...For the State.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra,
Mr. Biplob Das.
...For the Respondent No.2.**

**Mr. Ravi Kumar Dubey.
...For the Respondent
Nos.13 to 16.**

**Mr. Debottam Das,
Ms. Haritri Roy.
...For the Respondent No. 12.**

**Mr. Ranjay De,
Mr. B. Banerjee,
Mr. A.A. Bose.
...For the Respondent
Nos. 12A and 12B.**

**Mr. Arunava Ganguly.
...For the Intervenor.**

Learned advocate appearing for the Registrar of Cooperative Societies has produced before this Court a communication made by the Assistant Registrar of Cooperative Societies, Cooperation Directorate, Kolkata Range Office addressed to the Joint Registrar of the Cooperative Societies (Law), West Bengal wherein it has been mentioned that Shri, Rupam Talukder, Cooperative Development Officer, Cooperation Directorate, Kolkata Range Office may be appointed as Special Officer under Section 36 of the West Bengal Cooperative Societies Act, 2006 to manage the affairs of the Society in question.

Since it appears that there are grave allegations of defalcation of funds of the Cooperative Society, accordingly, there was a requirement of engagement of a Special Officer, more so, in the absence of a regular Board of Directors of the Cooperative Society.

It will be open for all the parties to approach the aforesaid Special Officer for redressal of all their grievances.

The Special Officer is directed to act strictly in accordance with the provisions of the West Bengal Cooperative Societies Act, 2006 and the Rules framed thereunder.

The Cooperation department is directed to take necessary steps to notify the appointment of the Special Officer so that the Special Officer may take charge forthwith and start functioning in the interest of the Cooperative Society.

No coercive steps shall be taken against the Company for not disbursing the terminal benefit of the employees who have retired from service of the Society and against whom there is allegation of defalcation of funds.

The aforesaid direction is passed keeping in mind the best interest of the Society where there are allegation of misappropriation and defalcation of the fund of the Society.

It goes without saying that the Special Officer shall take steps for holding of the election of the Cooperative Society so that the Board of Directors may be elected for the purpose of smooth functioning of the Society.

The writ petition and the connected applications are disposed of.

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

(Amrita Sinha, J.)