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07-02-2025  
AKG  
Ct. 15

**WPA 2178 of 2024**  
**Sunil Naiya & Ors.**  
**Vs.**  
**The State of West Bengal & Ors.**

|                                                                                                                                 |                              |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Mr. Shamik Chatterjee,<br>Mr. Amit Bikram Mahata,<br>Mr. Aditya Bikram Mahata,<br>Mr. Harikrishna Pramanick,<br>Mr. Sahil Kabir | ...for the Petitioners       |
| Mr. Arnab Ray                                                                                                                   | ...for Respondent Nos. 6-8   |
| Mr. P. K. Roy,<br>Mr. Joydip Roy                                                                                                | ...for Respondent Nos. 3 & 4 |
| Mr. K. J. Yusuf,<br>Mr. Parikshit Goswami                                                                                       | ...for the State             |
| Mr. Ayan Bhattacharjee                                                                                                          | ...for CID                   |

The order dated April 19, 2024, outlines the background of this case, which is quoted below:

**“The petitioners claim to be depositors in the Lalgalleria Anchal SKUS Limited. Their grievance is that the money that is lying within the said SKUS is not being refunded despite repeated requests being made. Reference has been drawn to page 55 of the writ petition which is a communication made by the Special Officers of the Lalgalleria Anchal SKUS Ltd. to the Assistant Registrar of Cooperative Societies signed on 4th January, 2024 mentioning that there has been a 2 financial defalcation in the Society to the tune of Rs.9,36,34,918/- as per initial findings of the present Special Officers of which there has been a deposit erosion of Rs.6,51,65,913.62/- only. F.I.R has been lodged on 29th August, 2023 being FIR No. 901 of 2023 with the Sonapur Police Station. At present a very insignificant amount of fund is lying with the Bank account of the Society with huge liability of**

**the depositors and the Society is not in a position to refund the money of the depositors.**

**The matter appears to be a very serious one and is required to be thoroughly investigated.**

**A report has been filed by I/C Cyber Crime Police Station, Baruipur Police Station signed on 7th February, 2024 which mentions that he took up the investigation of this case and the same is proceeding.**

**Let the matter appear in the list once again on 26th April, 2024.**

**The progress of the investigation by the police shall be placed before this Court on the adjourned date.”**

On April 30, 2024, the Court directed the Additional Director General of Police, CID, to constitute a team for further investigation. Today, the CID has informed the Court that a forensic audit is underway, and upon its completion, the CID will file the charge sheet.

Mr. P. K. Roy, learned counsel appearing for the cooperative society, has submitted instructions. The relevant portion of the instruction, dated February 6, 2025, is quoted below:

**“With due respect and humble submission I am to inform you that the society has already received applications from around 700 members/depositors claiming refund of an amount of Rs. 1,90,00,000/- approx (Rupees one crore ninety lakhs only) whereas the society now has only remaining free bank account balance of Rs. 24,00,000/- (Rupees twenty four lakhs only) approximately only. The total depositors in the society is approximately 6058 and the total amount of misappropriation of funds from public deposit amounts to Rs. 6,48,00,000/- (Rupees six crores fourty eight lakhs only). In this situation the society is not in a position to refund any amount to the depositors. If**

**refund is made even to a single depositor, there will be severe law and order situation in the society by the other depositors.”**

Given the foregoing circumstances, I find no justification for keeping this writ petition pending. It is imperative that the CID concludes its investigation promptly. In light of the information provided by the Society, I am not in a position to issue an order for the refund of the depositors' money at this stage.

However, upon the completion of the investigation, should any amount be recovered, the petitioners will be at liberty to submit their claims to the appropriate authority.

**WPA 2178 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Kausik Chanda, J.)**