

07.02.2025
Sl. No.10
Ct. No.15
S.A.

WPA 2505 of 2025

Shyamal Naskar & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Kartik Kumar Ray
Mr. Rakesh Jana

...for the petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra

...for Cooperative Election Commission

Mr. Amal Kumar Sen
Ms. Ashima Das (Sil)

...for the State

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal

...for the Registrar of Cooperative Societies

The petitioners assert that they have been unlawfully prevented from submitting their nomination papers for the election of Directors of Pathpukur Baidyerchak SKUS Limited. Attention has been drawn to this Court regarding a representation submitted on January 22, 2025, to the Assistant Returning Officer. It appears that the said representation was not considered by the Assistant Returning Officer.

Mr. Srijan Nayak, learned counsel representing the Cooperative Election Commission, submits that the election has been rescheduled for February 12, 2025. He further contends that, at this late stage, the petitioners should not be permitted to participate in

the proceedings. Additionally, he denies the petitioners' allegation of illegal prevention.

I am of the view that the Assistant Returning Officer should have duly considered the petitioners' prayer.

The Assistant Returning Officer should have addressed the petitioners' allegation, which has not been done to date.

In light of this, I am inclined to direct the Election Commission to permit the petitioners to submit their nomination papers and to allocate the necessary symbols to them. The petitioners are required to deposit Rs. 30,000/- by 2 p.m. today before the concerned Assistant Returning Officer to cover the additional costs incurred for printing fresh ballot papers containing the petitioners' names, along with other incidental expenses. Upon such deposit, the Election Commission shall assign symbols to the petitioners and allow them to contest the election by submitting nomination papers.

The Election Commission shall be at liberty to proceed with the election on the date already fixed, i.e., February 12, 2025, or on any subsequent date, as per its convenience.

It is clarified that this order has been passed in consideration of the unique facts of this case and shall not serve as a precedent.

Accordingly, **WPA 2505 of 2025** is disposed of.

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

(Kausik Chanda, J.)