

20.05.2025
rpan/02

FMA 384 of 2025
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IA No.: CAN 1 of 2025 [Stay]
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IA No.: CAN 2 of 2025

Sri Sukhendu Kumar Mondal
– *Versus* –
Siddhartha Sankar Pal & Others

Mr. Partha Sarathi Bhattacharyya,
Mr. Raju Bhattacharya,
Ms. Ankita Dey
... for the Appellant.
Mr. Anant Kumar Shaw,
Mr. Mainak Ganguly
... for the Writ Petitioners/
Respondent nos.1-3.
Mr. Srijan Nayak,
Ms. Rituparna Maitra
... for the State/Respondents.

In course of hearing it was pointed out that the name of the appellant does not feature in the cause title of the writ petition, being WPA 11427 of 2020. By filing an application, being IA No.: CAN 2 of 2025 this Court has been apprised that the appellant took charge as the President of Technical Supervising Staff Association (West Bengal State Electricity Board) (hereinafter referred to as the said Association) on 12th November, 2022 in place and stead of the erstwhile President, namely, Mr. Sanjay Mitra, being the respondent no.6 in the writ petition. The said application is, accordingly, allowed and the defect shall be deemed to have been removed.

The present appeal has been preferred challenging an order dated 13th January, 2025 passed by the learned single

Judge in the writ petition, being WPA 11427 of 2020. By the said order the writ petition was disposed of directing respondent no.5 herein, being the Registrar of Firms, Societies and Non-Trading Corporation, West Bengal to treat the writ petition as a representation and *‘to enquire the matter after affording an opportunity of hearing to all the necessary parties and decide that which Association is the original one and take appropriate steps against those, who are running the Association in the original name and registration number, in accordance with law’.*

Mr. Bhattacharya, learned senior advocate appearing for the appellant submits that the learned single Judge erred in law in relegating the matter to the respondent no.5 for considering only the writ petition as a representation without any direction upon the said authority to consider the affidavit-in-opposition filed on behalf of the said Association along with the documents annexed thereto.

He submits that pursuant to the order impugned, a notice of hearing was issued and a representative of the said Association appeared before the respondent no.5, however, he was not allowed to refer to the affidavit-in-opposition and the documents annexed thereto as there was no direction to that effect in the order impugned in the present appeal.

Mr. Shaw, learned advocate appearing for the writ petitioners/respondent nos.1 – 3 denies and disputes the contention of Mr. Bhattacharya and submits that the writ petitioners were the members of the original Technical

Supervising Staff Association (WBSEB) established in the year 1966 and they raised the issues as regards the illegalities and irregularities perpetrated by respondent nos.4 and 5 in the writ petition.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that on the date the writ petition was disposed of, none appeared on behalf of the private respondents. However, an affidavit-in-opposition was filed on behalf of the said Association annexing several documents.

In view thereof and in the interest of justice, we direct the respondent no.5 herein, being the Registrar of Firms, Societies and Non-Trading Corporation, West Bengal to take into consideration at the time of hearing the averments made in the affidavit-in-opposition filed by the ex-President of the said Association and also the documents annexed thereto.

The present appeal and the connected application are disposed of modifying the order impugned to the above extent.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)