

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

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Smita Das De

MAT 314 of 2025
With
IA No.: CAN 1 of 2025

Bidhan Chandra Poddar
Vs.
State of West Bengal & Ors.

For the appellant : Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Advocate
Mr. Shamit Sanyal, Advocate
Mr. Dip Jyoti Chakraborty, Advocate
Ms. Priyakshi Banerjee, Advocate

For the State : Mr. Amal Kumar Sen, Ld. AGP
Mr. Lal Mohan Basu, Advocate

For the respondent nos. : Mr. Ankit Sureka, Advocate
2, 6 & 9 . Mr. Biplob Das, Advocate
Mr. Partha Sarathi Pal, Advocate

For the respondent nos. : Mr. Soumyadeep Biswas, Advocate
7 & 8.

For the respondent nos. : Mr. Pranit Bag, Advocate
10, 11 & 12. Mr. Anousko Das, Advocate
 Mr. Mrinmoy Mohan Barat, Advocate

For the Co-operative : Mr. Srijan Nayak, Advocate
Election Commission Ms. Rituparna Maitra, Advocate

Heard & Judgment on : March 13, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the private respondent in WPA 23428 of 2024 and directed against an order dated January 17, 2025 passed therein.
2. Learned Senior Advocate appearing for the appellant submits that, the writ petitioners were not appropriately nominated to contest the post of Directors of the concerned Cooperative Societies. On finding such fact, complaints were lodged with the Assistant Registrar of Cooperative Societies who decided such issue by the order dated September 6, 2024. He submits that, by the order dated September 6, 2024 issued by the Assistant Registrar of Cooperative Societies, the Assistant Registrar held that the writ petitioners suffered disqualification to hold the post of Directors of the concerned Cooperative Societies. He

submits that, since the order dated September 6, 2024 of the Assistant Registrar of Cooperative Societies stands set aside by the learned Single Judge and no further mechanism is provided by the impugned order to decide on the complaints, he suggests that, the Court should direct the Assistant Registrar of Cooperative Societies to hear the parties afresh on the issue of disqualification of the writ petitioners and pass a reasoned order thereon.

3. Learned Senior Advocate appearing for the appellant submits that, cessation of Directorship and disqualification for a Directorship are two different concepts and should be considered as such.
4. Cooperative Societies, Cooperative Election Commission, the Assistant Registrar of the Cooperative Societies and the writ petitioners are represented.
5. It is submitted on behalf of the Assistant Registrar of Cooperative Societies that, the Cooperative Societies Act and the Rules framed thereunder were followed to arrive at the decision dated September 6, 2024.
6. Learned Advocate appearing for the writ petitioners/private respondents submits that, the proceedings for removal from a Board of Directors should be only under Rule 45 of the West Bengal Cooperative Societies Rules, 2011 and that, the Assistant Registrar of Cooperative Societies is without any jurisdiction to decide on such issue.

7. Assistant Registrar of Cooperative Societies received three complaints against three individuals who were elected as the Members of Directors of a Cooperative Societies. Assistant Registrar of Cooperative Societies proceeded to decide on such complaints and passed an order dated September 6, 2024 holding that the writ petitioners stood disqualified to be elected to the post of Directors of the concerned Cooperative Societies.
8. The decision dated September 6, 2024 of the Assistant Registrar of Cooperative Societies was passed without hearing the writ petitioners/private respondents.
9. Learned Single Judge order correctly held that, such decision dated September 6, 2024 cannot be upheld in view of the breach of the principles of natural justice.
10. However, learned Single Judge did not provide any workable mechanism for the complaints as against the writ petitioners/private respondents to culminate into a logical conclusion.
11. On one side of the spectrum, it is contended that the Assistant Registrar of Cooperative Societies is vested with the jurisdiction to decide such complaints while, on the other side of the spectrum, the writ petitioners/private respondents contend that, the Assistant Registrar of Cooperative Societies does not possess such jurisdiction.
12. Such issue, therefore, may be decided by the Assistant Registrar of Cooperative Societies along with other issues as to whether, there is

any substance in the complaints received by the Assistant Registrar of Cooperative Societies as also the remedies that are to be put in place on the basis of such complaints, if found to be true and correct, subject to the Assistant Registrar of Cooperative Societies holding that it is vested with jurisdiction to decide such issues, after affording a reasonable opportunity of hearing to the private parties. It is expected that the Assistant Registrar of Cooperative Societies decides the issues within three months from date.

13. We clarify that, we did not decide any issue between the private parties including the issue of jurisdiction of the Assistant Registrar of Cooperative Societies. All points raised by the parties are kept open. The Assistant Registrar of Cooperative Societies will decide the issues raised before it without being influenced by any observations made by us or by the learned Single Judge in the impugned order. Requiring the Assistant Registrar of Cooperative Societies to decide on the issues raised will not be construed to mean vesting jurisdiction on the Assistant Registrar of Cooperative Societies if it otherwise does not possess, to decide the complaints.
14. The order dated September 6, 2024 issued by the Assistant Registrar of Cooperative Societies is set aside.
15. The writ petitioners/private respondents will continue to be treated as Directors by the Board of the concerned Cooperative Societies unless held otherwise by an appropriate authority, in accordance with law.

16. The order impugned stands modified accordingly.
17. **MAT 314 of 2025** and **IA No.: CAN 1 of 2025** are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

18. I agree.

(Smita Das De, J.)