

Court No. 6
(265719)

24.03.2025
(ADSL 2)
(S. Banerjee)

WPA 6482 of 2025

Bhabatosh Mondal
Vs.
State of West Bengal & Ors.

Mr. Nayan Chand Bihani, Sr. Advocate
Mr. Sanjay Banerjee
Ms. Ledia Dasgupta
Ms. Labony Ray

...for the petitioner

Mr. Rajarshi Basu
Mr. Subhendu Sen Gutpa

...for the State

Mr. Srijan Nayak
Ms. Rituparna Maitra

...for the Cooperative Election
Commission

The petitioner has challenged the nomination of the respondent nos. 8 and 9 for the election to the Board of Shambhunagar Balaharani Samabay Krishi Unnayan Samity Limited. The election notification was published on February 6, 2025 and the last date for filing of nomination was March 10, 2025. The petitioner alleged that the respondent nos. 8 and 9 are the defaulting members and, therefore, they were not eligible for submitting their nomination for such election. A representation to that effect was submitted by the petitioner which was received by the office of

the West Bengal Cooperative Election Commission on March 18, 2025.

Mr. Bihani, learned Senior Advocate for the petitioner prays for a direction upon the Election Commissioner to dispose of such representation.

Mr. Nayak, learned advocate representing the West Bengal Cooperative Election Commission submits that the list of contesting candidates was published by the concerned authority after scrutiny of records. He submits that there is no basis of the allegation of the petitioner that the respondent nos. 8 and 9 are defaulters.

However, considering the fact that a representation has been submitted, this Court is of the considered view that the same has to be disposed of by the competent authority.

Taking note of the fact that the date of election has been fixed on March 28, 2025, this writ petition is disposed of without entering into the merits of the claim made by the petitioner in the said representation and by directing the respondent no. 2, i.e., the Election Commissioner, West Bengal Cooperative Societies Act, 2006, to consider the representation dated March 18, 2025 if the same is

still pending and to dispose of the same in accordance with law by passing a reasoned order.

The respondent no. 2 shall communicate the said decision to the parties immediately thereafter.

(Hiranmay Bhattacharyya, J.)