

D/L - 28
08/04/2025
Court. No. 5
S.Kundu

WPA 7704 of 2025

Smt. Juthika Dhali & Anr.

Vs.

The Cooperative Election Commission & Ors.

Mr. Malay Kumar Roy,
Mr. Krishna Kanta Sarkar

...for the petitioner.

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for the respondent no. 1.

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

...for the respondent no. 2.

1. Affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed *inter alia*, praying for a direction upon the Cooperative Election Commission, West Bengal to expeditiously hear out and decide the dispute case and dispose of the same before the date of holding Election of Board of Directors of the respondent No.4, fixed on 11th April, 2025.
3. Heard the learned advocates appearing for the respective parties and considered the materials on record. Having regard to the fact that the election dispute primarily pertains to permitting the alleged defaulter members to file their nominations by clearing the dues on the date of scrutiny which is contrary to Section 7(e)(1) of the West Bengal Cooperative Societies

Act (hereinafter referred to as the said Act) and since, the matter pertains to infraction of Section 32(7)(e) of the said Act, and though Mr. Nayek learned advocate for the respondent No. 1 would submit that the above dispute can be resolved after the election, I am of the view that the aforesaid election dispute filed by the petitioners which goes to the eligibility of a member to be elected on board, should be decided by the respondent no. 1 prior to holding of such election especially when such dispute has been raised on 26th March 2025.

4. In view thereof, upon ascertaining the convenience of the respondent no. 1, I fix 10th April, 2025 at 12.30 P.M. at the office of the respondent no. 1 as the venue of the hearing. It is made clear that no further notice shall be given to the parties. It is also made clear that this Court has not entered into the merits of the controversy and it shall be open to the respondent no. 1 to decide on the petitioners' application being uninfluenced by any of the observations made herein.
5. Since, no affidavit-in-opposition has been called for, the allegations made in the petition are deemed not have been admitted by the respondents.
6. With the above observations and directions, the writ petition stands disposed of.
7. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)