

17.04.2025
Item no. 11.
Court No.37.
AB

**M.A.T. 566 of 2025
With
CAN 1 of 2025**

**Pijush Banerjee & Others
Vs
The State of West Bengal & Others**

Mr. Biswaroop Bhattacharya,
Mr. Sumitava Chakraborty,
Mr. Snehasish Deyfor the Appellants.

Mr. Sirsanya Bandopadhyay
Mr. Debopriyo Karanfor the State.

Mr. Somopriya Chowdhury,
Mr. Dipayan Dan,
Mr. Amartya Basu.....for the Respondent No.12.

Mr. Soumya Roy Choudhury,
Ms. Iram Hassanfor the Respondent No.13.

Mr. Soumya Majumdar, Sr. Adv,
Ms. Sanjukta Duttafor the Respondent No.10.

Dictated by Arijit Banerjee, J.

1. Read order dated April 16, 2025.
2. Yesterday Mr. Vivekananda Bose, learned Advocate had represented CESC Limited. Today, Mr. Soumya Roy Choudhury, learned Advocate instructed by Ms. Iram Hassan, says that he has been authorized to represent CESC Limited. He produces vakalatnama executed in favour of Iram Hassan on behalf of CESC Limited. Let the same be kept with the records.
3. A copy of a general Power of Attorney dated October 19, 2024, is also filed to demonstrate that the gentleman i.e. Prabir Kumar Mitra, who has

executed the vakalatnama on behalf of CESC Limited in favour of Ms Iram Hassan, has the authority to do so.

4. Mr. Roy Choudhury tells us that he has specific instructions that the letter dated April 16, 2025, referred to in our order dated April 16, 2025, is a genuine document and has been issued on behalf of CESC Limited.
5. The challenge in the writ petition is to an election process. Normally, Courts are slow and loath to interfere in such cases. The process started with the publication of the voter's list on March 6, 2025, as claimed by the Cooperative Society. The election is scheduled to be held today. The writ petition is pending before the learned Single Judge. Affidavits have been directed to be exchanged. The learned Single Judge has not finally decided the issues involved.
6. We are not inclined to stop the process of election at this stage. There are several reasons for it including the delay on the part of the appellants/ writ petitioners in approaching the Court.
7. We further see that the learned Single Judge has granted limited protection to the writ petitioners by directing that the result of the election in question shall abide by the result of the writ petition.

8. We further observe that apart from that also, if any other challenge procedure is available to the writ petitioners to assail the result of the election, it will be open to them to take recourse to the same.
9. Let affidavits be exchanged as directed by the learned Single Judge. We have not addressed the merits of the case. All questions are left open for the learned Judge to decide. We request the learned Single Judge to decide the writ petition without being influenced by any observation in this order.
10. Parties will be at liberty to pray before the learned Judge for an early hearing.
11. Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.
12. The appeal and the connected application are disposed of accordingly.
13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)