

20.05.2025
sayandeep
Sl. No. 16
Ct. No. 05

WPA 10630 of 2025

Uttam Kumar Ghosh @ Uttamkumar Ghosh
Vs.
State of West Bengal & ors.

Mr. Ritzu Ghoshal, sr. Advocate
Mr. Mrinmoy Mohan Barat
Mr. A. Chakraborty

.....for the petitioner

Mr. Jayanta Samanta
Ms. I. Banerjee

....for the State

Mr. Ankit Sureka
Mr. Biplab das

..... for the respondent
Nos. 2, 3

Mr. Shamit Sanyal
Ms. P. Banerjee

....for the respondent Nos.
5, 6

1. Affidavit-of-service filed in Court today be kept on record.
2. Challenging the notice dated 6th May, 2025 issued by the respondent no.6 convening a meeting and calling for removal of the Chairman of the Board as being *de hors* the provisions of the West Bengal Cooperative Societies Rules, 2011 (hereinafter referred to as the “said Rules”), the instant writ petition has been filed.
3. Mr. Ghoshal, learned senior advocate appearing in support of the writ petition by drawing attention of this Court to Rule 46 of the said Rules would submit that the aforesaid meeting has been convened by the Secretary of the Co-operative Society *de hors* the

provisions contained therein. According to him, the notice and the purported resolution taken on the basis thereof are *non est* and cannot be acted upon. He further submits that the petitioner as the Chairman of the Society had already issued a notice dated 3rd May, 2025 convening a Special General Meeting which is scheduled on 26th May, 2025. He would submit that the respondent no.6 cannot be permitted to interfere with such meeting.

4. Mr. Sureka, learned advocate appears on behalf of the respondent Nos. 2 and 3. He would submit that although Assistant Registrar of the Co-operative Society while acceding to the request of the Board members of the society had permitted the Secretary to take steps for removal of the Chairman, however, such steps were directed to be taken in accordance with law and not *de hors* the provisions of Rule 46 of the said Rules.
5. According to respondent No. 6, this Court may not be concerned with the steps taken by the respondent no.6, and as to whether the steps taken by the said respondent are *de hors* the provisions of Rule 46. It is submitted that this Hon'ble Court in exercise of its discretionary power ought not to grant any relief to the petitioner especially when the petitioner has lost the confidence of the Board members.

6. Having heard the learned advocates appearing for the respective parties and considering the materials on record, it would, *prima facie*, transpire that the Assistant Registrar of Co-operative Societies, at the instance of the Board members of the society had permitted the Secretary of the society to take steps and pursuant thereto the notice dated 6th May, 2025 had been issued. It, however, does not appear from the materials on record that the Registrar of Co-operative Societies was aware of the Special General Meeting (in short the “SGM”) called by the Chairman which is scheduled on 26th May, 2025. It appears that the notice dated 6th May, 2025 has been issued in hot haste to somehow stall the SGM fixed on 26th May, 2025.

7. Having regard to the provisions contained in Rule 46 of the said Rules, a notice to seek removal of the Chairman issued by the Secretary of the society may be convened by indicating the statement of business to be transacted with not less the seven clear working days notice. *Prima facie*, it would transpire that 9th May, 2025 which was a Friday was a holiday on account of Rabindra Jayanti and the following Monday i.e. 12th May, 2025 was declared as holiday on account of Buddha Purnima and the intervening Saturday and Sunday were also holidays. Having regard thereto, there was no clear 7 working days

notice and the aforesaid meeting that was held on 14th May, 2025, *prima facie*, appears to be *de hors* the provisions of Rule 46 of the said Rules.

8. Further taking into consideration of the fact that on a requisition of 1/3rd of the members, the notice convening the SGM had been issued proposing a no-confidence motion against the Board itself and such meeting having been scheduled by the notice dated 3rd May, 2025, on 26th May, 2025, I am of the view that the Board members cannot be permitted to usurp the SGM especially having regard to the statutory infraction in holding the meeting on 14th May, 2025 pursuant to the notice dated 6th May, 2025.
9. The Assistant Registrar, Co-operative Society, Nadia Range or any authorised representative of the Assistant Registrar is directed to oversee the meeting which has been proposed to be held on 26th May, 2025.
10. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)