

02.12.2025.
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Ct.No.24.
as

WPA 11201 of 2025

Chandan Kumar Mandal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Billawadal Bhattacharyya, Ld. Sr. Adv.,
Mr. Anish Kr. Mukherjee,
Ms. Megha Datta,
Mr. Tamoghna Pramanick.
...for the Petitioners.

Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal.
...for the State.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra.
..for the Co-operative Election Commission.

Mr. Ankit Sureka,
Mr. Biplob Das.
...for the Respondent Nos.2 & 3.

1. The petitioners are aggrieved by the fact that the respondent Nos.10 and 11, both Co-operative Societies do not have a duly elected Board running their affairs. The elections were last held in 2018. Thus, Boards of the two societies, respondent Nos.10 and 11 herein, expired in 2023. The petitioners urged that elections be held at the earliest to manage the affairs of the respective societies being the respondent Nos.10 and 11 herein.

2. Mr. Bhattacharyya, learned Senior Advocate appearing for the petitioners submits that two of the other Co-operative Societies, respondent Nos.12 and 13 have already held their elections and those of the respondent

Nos.10 and 11 are unnecessarily pending for such a long period of time.

3. Mr. Bhattacharyya further submits that inspite of specific provision, as contained in Regulation 3(3)(VII) of the West Bengal Co-operative Election Commission Regulations, 2012 (hereinafter referred to as the said Regulation) duties and responsibilities of the Election Commission and its functionaries, have been fairly spelt out. In fact, under Regulation 3(22) of the said Regulation, the expenditure relating to the delegate election of a co-operative society are to be borne by the society itself including the “allowance of the polling personnel.”

4. Mr. Bhattahcharyya submits that his clients are ready and willing to deposit a reasonable cost of the election process, as assessed by the Commission to enable the Commission to conduct a free and fair election at the earliest.

5. Mr. Nayak appearing for the Election Commission has stated that there are 39 Primary Agricultural Credit Co-operative Societies (hereinafter referred to as PACS). The election has been conducted in almost 30 such societies. Of the remaining few, all are facing paucity of funds on account whereof, election could not be held.

6. Mr. Nayak submits that in the event funds can be arranged by the petitioners, the Election Commission is ready and willing to conduct the election within a period of six weeks from the date of the funds being arranged and being duly communicated to the Commission.

7. Mr. Bhattacharyya has responded to this and upon exchange of supplementary affidavits between the parties, copies whereof are kept on record, it appears that a sum of Rs.1.55 lakhs for the respondent No.10 and a sum of Rs.85,000/- is required for the respondent No.11 to enable the Commission to conduct the election.

8. The only hurdle, as pointed out by Mr. Bhattacharyya is the humongous sum of Rs.80,000/- assessed by the Commission on account of “refreshment cost of polling and police personnel (approximately 400 heads)” for the respondent No.10 and Rs.30,000/- on account of “refreshment cost of polling and police personnel (approximately 150 heads)” for the respondent No.11.

9. The duties of the police authorities as enshrined in the Police Act, 1861 and the provisions of the Police Regulation of Bengal, 1943 are well defined and requires no further elucidation.

10. Mr. Bhattacharyya has placed reliance on a decision of a Co-ordinate Bench of this Hon’ble Court in the case of ***Kamala Tea Company Limited Vs. The State of West Bengal & Ors.***, reported in 2007(2) CHN 124, to buttress his argument that the police costs are preposterous. I respectfully agree with the dictum of this decision.

11. The assessment made by the Commission towards deployment of police personnel appears to be unreasonable and arbitrary. The assessment for deployment of the

number of police personnel also seems to be without any basis.

12. The petitioners will ensure that some form of refreshment to police personnel is deployed at the site. Thus, the cost for refreshment of police personnel in respect of the election process of respondent Nos.10 and 11 are set aside.

13. The petitioners will deposit the balance amount after deducting a sum of Rs.80,000/- from the assessment in respect of respondent No.10 and a sum of Rs.30,000/- in respect of the assessment of the respondent No.11 within a period of seven days from date positively by December 10, 2025.

14. Upon deposit of such amount in the respective accounts of the respondent Nos.10 and 11, the petitioners will inform the Election Commission or the concerned Returning Officer being the jurisdictional Assistant Registrar of Co-operative Societies, of such deposit.

15. The respondent Nos.4 to 6 are directed to ensure that election process of respondent Nos.10 and 11 are conducted and completed within a period of six weeks from the date of intimation of such deposit, positively by January 31, 2026.

16. The petitioners will be at liberty to appropriate any balance sum, from the account of the Co-operative Society upon formation of the new Board, in consultation with the new Board members, if there be any such amount, after appropriation towards the election costs.

17. With these afore-stated directions, the writ petition is disposed of.
18. There shall, however, be no order as to costs.
19. This order shall not be treated as a precedence, as it is passed in the peculiar facts and circumstances of this case.
20. Urgent photostat certified copy of this order, if applied for, be given to the petitioner on usual undertaking.

(Rectobroto Kumar Mitra, J.)