

15.07.2025
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Sl. No. 03
Ct. No. 05

WPA 11445 of 2025
With
CAN 1 of 2025

Pahalampur Samabay Krishi Unnayan Samity Limited
& Anr.

Vs.

Registrar of Co-operative Societies & ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Mainak Ghosal
Mr. Altaf Hossain

....for the petitioner

Mr. Ritzu Ghosal, Sr. Advocate
Mr. Ovik Sengupta
Mr. Vijay Verma

.... for the applicant

Mr. Srijan Nayak
Mrs. Rituparna Maitra

....for the respondent No. 2

Mr. Ankit Sureka
Mr. Biplab Das

....for Registrar respondent
Nos. 1 & 6

In Re: CAN 1 of 2025

1. The connected application has been filed by a set of members of Pahalampur Samabay Krishi Unnayan Samity Limited (Pahalampur SKUS) (in short the “society”). The applicants are interested parties and are interested in the election of Board of Directors of the said society which had been conducted pursuant to a notice issued by the ARO dated 14th February, 2025. The election results have also been declared. Since, this Court by an order dated 22nd May, 2025 having regard to the case made out by the petitioners had stayed the notice dated 4th April, 2025 and 8th

May, 2025 issued by the Returning Officer, Hooghly range, I am of the view, the applicants are necessary parties and have a right to be added as parties in the instant writ petition.

2. Accordingly, the connected application being CAN 1 of 2025 is allowed by adding the applicants as added respondents in the writ petition.
3. The department is directed to carry out the aforesaid direction.

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4. Mr. Ghosal, learned senior advocate appears in support of the added respondents. He would submit that the added respondents claim to be dissatisfied with the notice dated 14th February, 2025 issued by the ARO and contend that the same has been issued in violation of the provisions of Regulation 3(10) of the West Bengal Cooperative Election Commission Regulations, 2012 (hereinafter referred to as the “said Regulation”). As a result thereof, added respondents could not file their respective nominations in the election of Board of Directors and thus, claim to be prejudiced since, they could not participate in the election process. The above election had however, proceeded on 12th March, 2025 on the basis of such alleged defective notice dated 14th February, 2025. Following the above, the added respondents had lodged a complaint with the Joint Registrar of Cooperative Societies, Hooghly on 25th March, 2025,

inter alia, highlighting therein the prejudice caused to them.

5. Records reveal that pursuant to the aforesaid complaint and on the basis of hearing given to the parties that the order dated 4th April, 2025 was passed which forms subject matter of challenge in the writ petition. As noted in the order dated 22nd May, 2025, this Court noting that the above complaint filed by 11 delegates noted therein, was not decided as an election dispute within the meaning of the said Regulation and accordingly since, the same could not be termed as a decision within the meaning of the said Regulation, this Court was of the view that the decision to hold re-election of the Board of Directors that too after appointment of office bearer was not permissible.
6. Though, Mr. Samim, learned advocate representing the petitioners would raise serious objection in the added respondents' complaint being adjudicated further, I am of the view having regard to the peculiar case made out by the added respondents and noting that a complaint had been lodged seeking interference against the notice dated 14th February, 2025, interfering with the rights of the added respondents to participate in the election process which goes to the root of the election, I am of the view that the complaint filed by the added respondents though before the Joint Registrar of Cooperative Societies, Hooghly Range should be treated as an

election dispute within the meaning of the said Regulation. The same is necessary since, the added respondents cannot be rendered remediless and to bring the complaint lodged by the added respondents to a logical conclusion. In view thereof, and noting that the provisions of Regulation 4, *inter alia*, provide that the procedure for holding election of delegates of cooperative societies as specified in Regulation 3 of the said Regulation shall apply mutatis mutandis for holding election of the Board of Directors of the Society, I am of the view that the aforesaid complaint be decided in accordance with the said Regulation and if the competent authority is of the view that interference is called for having regard to the case made out, then appropriate action be taken as an irregularity in an election procedure for holding the election of Board of Directors would have a likely impact on the election of the office bearers as well. On the contrary, if the authorities are of the view that the matter need not be proceeded further the same shall be dropped. It is however, made clear that during the pendency of the consideration by the appropriate authorities, no major decision shall be taken by the office bearers/Board of Directors of the Pahalampur SKUS Ltd., and the representatives including Board of Directors and the office bearers will be obliged to maintain detailed account of day to day proceedings. Needless to note that the

appropriate authority shall take an action on the complaint in the manner directed above and complete the entire process, if required, not later than two months from the date of communication of this order and that the Board of Directors and the office bearers shall not be entitled to claim any equity in assuming their office if irregularity in the election process is detected.

7. As a sequel thereto, the previous direction issued by the appropriate authorities dated 4th April, 2025 shall remain permanently stayed. The added respondents shall also be at liberty to file a complaint in the form of a representation for bringing on record all subsequent events with the appropriate authorities within a period of 7 days from date. The decision will be taken by the authorities upon making available all relevant documents to the parties.
8. The allegations made in the petition are, however, deemed not to have been admitted by any of the respondents including the added respondents.
9. The writ petition is accordingly disposed of.

(Raja Basu Chowdhury, J.)