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Ct.5.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14039 of 2025

Panditpur Samabay Krishi Unnayan Samity Ltd. & Anr.
Versus
The State of West Bengal & Ors.

Mr. Tapas Kumar Bhattacharya
Mr. Aviroop Bhattacharya
... For the petitioner

Mr. Ankit Sureka
Mr. Biplob Das
... For the respondent nos. 2 and 3.

Mr. Arindam Chatterjee
Ms. Lipika Chatterjee
... For the DPSC Nadia.

1. Affidavit of service filed in Court is taken on record.
2. The petitioners seek for enforcement of the award dated 16th November, 2017. According to the petitioners, the Deputy Director of Schools Education is not taking steps for implementation of the award.
3. I have considered the award. In terms of the award, the liability of the respondent no.7 has been determined, principal dues Rs.2,83,766/- and Rs.93,615/- towards interest, as on 15th November, 2017. The aforesaid award has been sought to be implemented after 8 years, by filing the writ petition. There appears to be no cogent explanation for the same. In any event, I notice that the provisions of the Second Schedule of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the "said Act") under serial 4 provides for mode of recovery of sums determined under

Section 103 of the said Act. As per the mode of recovery provided for in the said Act, the amount can be recovered by the certificate officer or by a civil court having local jurisdiction upon an application by the awardee as a public demand upon requisition.

4. Having regard to the availability of the alternative remedy and the petitioners having invoked the statutory remedy and having obtained an award, I am of the view that it would be prudent to permit the petitioner to seek execution of such award in the mode and manner provided for in the said Act.

5. Although Mr. Bhattacharya, learned advocate representing the petitioners would submit that the award has been passed under Section 102 of the said Act, I, however, notice that though, the dispute can be raised under Section 102 of the said Act, the settlement thereof before the arbitrators is only possible under Section 103 of the said Act. Having regard thereto, the contention that the award passed in this case cannot be implemented in the manner provided for in the said Act, is unsustainable.

6. The writ petition stands disposed of by relegating the petitioners to avail statutory remedy.

7. There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)