

08.07.2025
Item No. 27
Ct.-05
Sayandeep

WPA 14810 of 2025

**Bhulunuddin Farazi & ors.
Vs.
The State of West Bengal & ors.**

Mr. Dhiman Kr. Sengupta
Ms. Farhin Mustaque

....For the petitioners

Mr. Ankit Sureka
Mr. Partha Sarathi Pal
Mr. Asis Dutta

....for the respondent No. 2

Mr. Pranit Bag
Mr. Soumyadeep Biswas

....for the respondent No. 6

Mr. Srijan Nayak
Mrs. Rituparna Maitra

....for the respondent Nos. 3 and 4

1. The present writ petition has been filed, *inter alia*, challenging the notice dated 12th June, 2025 issued by the Assistant Returning Officer for the purpose of conducting election of the Board of Directors of the respondent No. 6.
2. Mr. Sengupta, appears in support of the writ petitioner. By drawing attention of this Court to the notice dated 10th January, 2025 concerning the list of final valid contesting candidates for the Board of Directors election of the society, issued by the Assistant Returning Officer, he would submit that 12 directors had been elected in an uncontested manner as per the bylaws of the society and accordingly a certificate to that effect was issued by the Assistant Returning Officer. Subsequently, on the basis of a requisition issued by the delegates on 8th April, 2025, the Chairman of the respondent No. 6 had arranged a special general meeting. In terms of the aforesaid requisition, the board of respondent No. 6 was dissolved. Pursuant thereto, in terms of the provision contained in Section 31 (5) of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the "said Act") in absence of the Chief Executive Officer of the Society the

Manager of the Society was directed to take charge. Such fact would corroborate from the official memo dated 3rd June, 2025 issued by the Assistant Registrar of Cooperative Societies Cooperation Directorate, Nadia Range office. Subsequently, upon the Assistant returning officer convening a meeting for holding the election of the Board of Directors vide notice dated 12th June, 2025, the instant writ petition has been filed.

3. Mr. Sengupta, learned advocate representing the petitioner would submit that in the instant case admittedly, a no confidence motion was moved against the Board of Directors of the Society. The fact that the no confidence motion succeeded would demonstrate that all is not well in the society. According to him, a fresh election of the cooperative society ought to have been conducted from the stage of election of delegates. The same is necessary for ensuring that the society is in a position to manage itself more effectively. According to him, the manner in which the election is being conducted is *de hors* the provisions contained in the said Act.
4. Mr. Nayek, learned advocate appears on behalf of the West Bengal Cooperative Election Commission. According to him, since the Board has been dissolved, having regard to the provisions contained in Section 31(5), the manager of the cooperative society was directed to take charge in absence of the Chief Executive Officer. According to him, the charge of the manager of the society is limited till a new Board assumes office and takes charge. In order to re-constitute the Board from the existing delegates, the notice dated 12th June, 2025 has been issued. There is no irregularity in this regard.
5. Mr. Bag, learned advocate appears on behalf of the Cooperative Society. According to him, there is no irregularity in the steps taken for reconstitution of the Board.
6. Heard the learned advocates appearing for the respective parties and considered the materials on record. *Prima facie*, it

would reveal that an election dispute case has been initiated by the petitioner on 1st October, 2024. Since, the Cooperative Election Commissioner had proceeded to hold the elections of the society on 30th November, 2024, the petitioner had moved this Court in WPA 27965 of 2024. Having regard to the facts pleaded by the petitioner, a Coordinate Bench of this Court vide order dated 26th November, 2024 had directed the West Bengal Cooperative Election Commission, to decide the election dispute filed by the petitioner within a particular period and to issue a fresh election notification. It transpires that the Assistant Returning Officer had since published a final valid list of candidates for the Board of directors of the society on 10th January, 2025. It is apparent therefrom that the Board of directors of the society had been appointed uncontested amongst the delegates who had already been appointed. It would also transpire from the record that a no confidence motion was moved by some of the delegates which resulted in dissolution of the Board in terms of Section 31(3) of the said Act.

7. Consequent thereupon, the Registrar of Cooperative Societies vide memo dated 3rd June, 2025 had appointed the manager of the cooperative society in absence of the Chief Executive Officer, to discharge the functions in accordance with sub-Section (8) of Section 29 of the said Act, until a new board is constituted under sub-Section (3) of Section 31 of the said Act and assumed charge. Pursuant thereto, the assistant returning officer has issued the notification on 12th June, 2025. I find that the petitioner is also however, aggrieved with induction of some of the members. A prior challenge by the petitioner in this regard has already been turned down by a Coordinate Bench of this Court vide order dated 6th March, 2025 having regard to the availability of alternative remedy. Although, Mr. Sengupta by placing before this Court the

observations of the Assistant Returning Officer on 24th July, 2024 would contend that all is not well in the society, I am of the view that the aforesaid report of the Assistant Registrar of Cooperative Societies cannot be relied on at this stage having regard to the subsequent developments. The provisions of the said Act, in particular Section 31(3), do not require election of the delegates for the purpose of reconstitution of the Board of directors of the society upon the Board being dissolved in the terms of Section 31(3) of the said Act. The power of the Assistant Returning Officer to hold the election of Board of Directors is derived from Section 31(3) of the said Act. Having regard thereto, I find no irregularity in the notice issued by the Assistant Returning Officer dated 12th June, 2025.

8. With the above observations and directions, the writ petition is dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)