

2404

02-01-2025

AKG

Ct. 15

WPA 17438 of 2024
Jyotirmoy Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Subhajit Panja

...for the Petitioner

Mr. Kamal Krishna Pathak,
Mr. Souvik Maji

...for Respondent No. 5

Mr. Srijan Nayak,
Mr. Asis Dutta

...for Respondent No. 2

Mr. Ankit Sureka,
Mr. Biplab Das

...for Special Officer

The petitioner, aggrieved by the induction of Respondent No. 5 as a member of the Durgapur Ex-Servicemen's Co-operative Housing Society Ltd., raised a dispute under Section 102 of the West Bengal Co-operative Societies Act, 2006. The dispute culminated in an award dated January 19, 2023, whereby the membership of Respondent No. 5 was cancelled.

Dissatisfied with the award, Respondent No. 5 filed an appeal before the Co-operative Tribunal. By an order dated June 11, 2024, the Tribunal set aside the award and remanded the matter to the Assistant Registrar of the Co-operative Society, with a directive to appoint a new arbitrator to reconsider the matter afresh.

The present writ petition challenges the order dated June 11, 2024, passed by the Tribunal.

The learned advocate for the petitioner contends that the order of remand was unnecessary, emphasizing that neither the society nor Respondent No. 5 participated in the hearing. In contrast, the learned advocate for Respondent No. 5 submits that the Tribunal's order contains sufficient grounds for remand, and therefore, no interference is warranted.

A bare perusal of the Tribunal's order reveals that the remand was made primarily on the grounds that the arbitrator, before proceeding to deal with the matter ex parte, failed to issue a show-cause notice. Additionally, the Tribunal noticed violations of Rule 170(9) and Rule 170(10) of the West Bengal Co-operative Societies Rules, 2011, during the adjudication process.

In light of these considerations, I am not inclined to interfere with the Tribunal's order.

Consequently, **WPA 17438 of 2024** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)