

03.11.2025
Court No.13
Item No.6
AP

MAT 1158 of 2025

In

CAN 1 of 2025

Bhulunuddin Farazi and Ors.

Vs.

The State of West Bengal and Ors.

Mr. Dhiman Sengupta
Ms. Farhin Mustaque

... For the Appellants.

Mr. Srijan Nayak
Mrs. Rituparna Moitra

... For the Cooperative Election Commission.

Mr. Ankit Sureka
Mr. Biplob Das
Mr. Partha Sarathi Pal

... For the Registrar of Cooperative Society.

Mr. Pranit Bag
Mr. Soumyadeep Biswas

... For the Respondent No.6.

1. The appeal challenges an order dated 8th July, 2025 passed by the Single Bench of this Court. The subject matter of challenge was the election process of the Barnia Samabay Krishi Unnayan Samity, Tehatta, Nadia. This is the third round of litigation.

2. The earlier two notices issued by the Assistant Returning Officer have been challenged and upheld by the Single Benches of this Court and election was directed to be conducted.

3. It appears that a No Confidence Motion against some of the Directors of the society was moved in a Special General Meeting on 8th April, 2025. It is the

contention of the appellants that since after passing of the No Confidence Motion, a fresh election ought to be held only between the existing Directors.

4. The Registrar in his wisdom appears to have directed a fresh election to the society as a whole.

5. Since all issues involved in the No Confidence Motion can be dealt with through the new Directors, it is unlikely of any of the parties would be prejudiced by the election process.

6. Mr. Srijan Nayak, leaned counsel for the Cooperative Election Commission and the learned counsel for the Barnia Samabay Krishi Unnayan Samity on instruction submits that election process was duly declared by the Assistant Returning Officer and after following due procedure, the election was completed on 9th September, 2025.

7. In that view of the matter, this Court is of the view that no prejudice is caused to the appellants for the grounds taken in No Confidence Motion. Sections 31 (3) and 31(5) of the West Bengal Cooperative Societies Act permit the authorities to conduct a fresh election in the event of any disputes and differences between the Board of Directors.

8. In that view of the matter, this Court finds no reason to interfere with the impugned order dated 8th July, 2025.

9. Accordingly, MAT 1158 of 2025 is disposed of. Consequently, all connected pending applications, if any, are also disposed of.

10. There shall be no order as to costs.

11. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)