

05.08.2025
Item No
ML 1344
CT.-05
sayandeep

WPA 24759 of 2024

**Milan Dey
versus
The Registrar, Registrar of Firms, Societies and Non-
trading Corporation WBIIDC & Ors.**

Mr. Aniket Mitra
Mr. Sudipta Das

....for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra

...For the co-operative
election commission

1. Although, the petitioner has prayed for a direction upon the respondent Nos. 4 to 6 to provide water supply facilities, to access the lift and other services at the housing cooperative, which according to him has been illegally stopped since 30th August, 2024, however, learned advocate representing the petitioner would candidly submit that the original tenure of the Board of Directors has expired in the year 2022. Presently, the co-operative society is being run by an *ad hoc* committee which is the root of all trouble. Having regard to the nature of grievance of the petitioner, I am of the view that the Co-operative Election Commission, West Bengal having its office at 1, Kiran Sankar Roy Road, 4th Floor, New Secretariat Building, Kolkata 700 001 should be added as a party to the present writ petition. In view thereof, leave is granted to the advocate-on-record for the petitioner to add Cooperative Election Commission, West Bengal as an added respondent in the present writ petition in course of the day.

2. Mr. Nayak, learned advocate, who usually appears on behalf of the Co-operative Election Commission is present in Court today. Let a copy of the writ petition be served on him. Let his appointment be regularised. Since the petitioner complains that the tenure of the Board has long expired, I am of the view that an enquiry in this regard should be made by the Co-operative Election Commission, West Bengal, and if they find that the tenure of the Board of the co-operative society, namely, Prachi Apartment Resident's Welfare Association has expired by efflux of time, immediate steps should be taken by the Cooperative Election Commission, West Bengal to re-constitute the Board by holding a proper election. Decision in this regard shall be taken by the Co-operative Election Commission within a period of three weeks from date. If any election is necessary, such election shall be conducted within two months thereafter. All parties including the administration are directed to cooperate with the added respondent. Once, the new Board of Directors and office bearers take charge, the petitioner shall be at liberty to renew the prayer before the newly elected Board/office bearers. The above procedure has been followed to avoid complexity. Admittedly, police complaints have been lodged by the petitioner making diverse allegations. As such, without entering into any disputed question and to resolve all issues once and for all, the above procedure has been adapted.

3. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)