

1811
2025
TUESDAY

Court : MB-24
Item : AD-28
Status : DO
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24678 OF 2025

SWAPAN KUMAR BOSE
VS.
THE STATE OF WEST BENGAL & ORS.

MR. YASHRAJ ROY, ADVOCATE
MS. SANGEETA SINGH, ADVOCATE
.....for the Petitioner
MR. ANKIT SUREKA, ADVOCATE
MR. BIPLAB DAS, ADVOCATE
MR. ASIS DUTTA, ADVOCATE
.....for the Respondent Nos. 2, 3 & 4
MR. DEBASHIS BANERJEE, ADVOCATE
MR. SUBRATA SAHA, ADVOCATE
MR. RAKESH JANA, ADVOCATE
.....for the Respondent Nos. 5 to 8
MS. JHUMA CHAKRABORTY, ADVOCATE
MS. RUPSA CHAKRABORTY, ADVOCATE
.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner has twofold grievance. First, the petitioner has been expelled from the Cooperative Society, respondent no. 5 herein, without getting adequate opportunity of defending himself and second, the basic amenities that ought to be available to the petitioner as a member of the respondent no. 5, has been suspended as against the petitioner.
3. Mr. Banerjee, learned Advocate appearing for the Board, submits that the resolution of expulsion of the petitioner from the respondent no. 5, has been processed. He disputes the allegations leveled by the petitioner.
4. Mr. Sureka, learned Advocate appears for the respondent nos. 2 to 4 and submits that bereft of the resolution, any dispute between the parties ought to be referred, under Section 102 of the West Bengal Cooperative Societies Act, 2006 to the Arbitrator through the concerned Registrar for proper adjudication. He further submits that this ought to be done in compliance with Rule 166 of the West Bengal Cooperative Societies Rules, 2011, in the prescribed manner.
5. Mr. Roy, learned Advocate representing the petitioner, refuting such submission, states that the representations

dated 03.07.2025 and 08.09.2025, have been filed with the concerned Registrar and is pending without any steps being taken in respect thereof.

6. I have heard the parties and perused the records.
7. It appears that the expulsion of the petitioner has not yet taken effect and the same may be prematurely challenged by way of this writ-petition. The resolution for expulsion has to be vetted by the concerned Registrar to take effect, which has not yet been done.
8. In so far as the grievances of the petitioner regarding suspension of the basic amenities are concerned, the petitioner is granted liberty to make an appropriate application in the form of a plaint in consonance with Rule 166 of the afore-stated Rules with the concerned Registrar, the respondent no. 4 herein, who is at liberty to deal with the same by himself or refer it to an Arbitrator.
9. If the respondent no. 4 chooses to deal with it himself, he shall dispose of the said representations within a period of six weeks from the date of filing of the plaint.
10. In the event, the respondent no. 4 chooses to appoint an Arbitrator, the Arbitrator shall deal with the matter as specified in Section 102 of the West Bengal Cooperative Societies Act, 2006 and shall dispose of the same preferably within a period of three months from the date of reference.
11. With these directions as afore-stated, **WPA 24678 of 2025** is **disposed of**. No order as to costs.
12. Urgent Photostat Certified Copy of this order, be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)

