

04.12.2025

THURSDAY

Court : MB-24
Item : AD-02
Status : DO
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26686 OF 2025

BASUDEV DAS

VS.

THE STATE OF WEST BENGAL & ORS.

Mr. Billawadal Bhattacharyya, Sr. Advocate

Mr. Anish Kr. Mukherjee, Advocate

Ms. Megha Datta, Advocate

Mr. Tamoghna Pramanick, Advocate

.....for the Petitioner

Mr. Rezaul Hossain, Advocate

.....for the State

Mr. Srijan Nayak, Advocate

Ms. Rituparna Maitra, Advocate

.....for the Co-operative Election Commission

Mr. Ankit Sureka, Advocate

Mr. Biplab Das, Advocate

Mr. Partha Sarathi Pal, Advocate

.....for the Respondent Nos. 3 & 4

1. Affidavit of service, as filed by the petitioner, be kept with the record.
2. Parties hand up a copy of the tentative budget for the election process of the Co-operative Society, being the respondent no. 11 dated 07.08.2025, which is taken on record.
3. The petitioner is aggrieved by the fact that the Co-operative Society does not have a duly elected Board running its affairs. The elections were last held in 2013. Thus, Board of the society, respondent No. 11 herein, expired in 2018. The petitioner urged that elections be held at the earliest to manage the affairs of the society being the respondent no. 11 herein.
4. Mr. Bhattacharyya, learned Senior Advocate appearing for the petitioner submits that the election of respondent No. 11 is unnecessarily

pending for such a long period of time.

5. Mr. Bhattacharyya further submits that in spite of specific provision, as contained in Regulation 3(3)(VII) of the West Bengal Co-operative Election Commission Regulations, 2012 (hereinafter referred to as the said Regulation) duties and responsibilities of the Election Commission and its functionaries, have been fairly spelt out. In fact, under Regulation 3(22) of the said Regulation, the expenditure relating to the delegate election of a co-operative society are to be borne by the society itself including the “allowance of the polling personnel.”
6. Mr. Bhattahcharyya submits that his clients are ready and willing to deposit a reasonable cost of the election process, as assessed by the Commission to enable the Commission to conduct a free and fair election at the earliest.
7. Mr. Nayak appearing for the Election Commission has stated that there are 39 Primary Agricultural Credit Co-operative Societies (hereinafter referred to as PACS). The election has been conducted in almost 30 such societies. Of the remaining few, all are facing paucity of funds on account whereof, election could not be held.
8. Mr. Nayak submits that in the event funds can be arranged by the petitioner, the Election Commission is ready and willing to conduct the election within a period of six weeks from the date of the funds being arranged and being duly communicated to the Commission.
9. The hurdle, as pointed out by Mr. Bhattacharyya is the humongous sum of Rs.80,000/- assessed

by the Commission on account of “refreshment cost of polling and police personnel (approximately 350 heads)” for the election process respondent No.11 to be conducted.

10. The duties of the police authorities as enshrined in the Police Act, 1861 and the provisions of the Police Regulation of Bengal, 1943 are well defined and require no further elucidation.
11. Mr.Bhattacharyya has placed reliance on a decision of a Co-ordinate Bench of this Hon’ble Court in the case of **Anil Kumar Maity Vs. The State of West Bengal & Ors.**, reported in 2007(2) CHN 124, to buttress his argument that the police costs are preposterous. I respectfully agree with the dictum of this decision.
12. The assessment made by the Commission towards deployment of police personnel appears to be unreasonable and arbitrary. The assessment for deployment of the number of police personnel also seems to be without any basis. Thus, the cost for refreshment of police personnel in respect of the election process of respondent no. 11 is set aside.
13. The Election Commission is directed to consider the remaining costs of advertisement, miscellaneous expenses, and wages, and to inform the petitioner of the final reasonable amount determined thereunder. Such intimation shall be given by the Commission by 10th December 2025.
14. The petitioner will ensure that some form of refreshment is provided to the polling and police personnel are deployed at the site.
15. Upon deposit of such amount in the respective

accounts of the respondent no. 11, the petitioners will inform the Election Commission or the concerned Returning Office being the jurisdiction Assistant Registrar of Co-operative Societies, of such deposit.

16. The respondent Nos. 5 to 8 are directed to ensure that election process of respondent No. 11 is conducted and completed within a period of six weeks from the date of intimation of such deposit, positively by January 31, 2026.
17. The petitioner will be at liberty to appropriate any balance sum, from the account of the Co-operative Society upon formation of the new Board, in consultation with the new Board members, if there be any such amount, after appropriation towards the election costs.
18. With these afore-stated directions, **WPA 26686 of 2025 is disposed of.**
19. There shall, however, be no order as to costs.
20. This order shall not be treated as a precedence, as it is passed in the peculiar facts and circumstances of this case.
21. Urgent Photostat Certified Copy of this order, if applied for, be given to the petitioner on usual undertaking.

(REETOBROTO KUMAR MITRA, J.)