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NANDY

(DISPOSED OF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28344 of 2025

**BISWANATH BANDYOPADHYAY & ANR.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Ms. Mayuri Ghosh, Advocate (online)
Mr. Sourjya Das, Advocate
Ms. Poulami Bhowmick, Advocate
Ms. Suparna Roy Das, Advocate

.....for the Petitioners

Mr. Ankit Sureka, Advocate
Mr. Biplab Das, Advocate

.....for the Respondent Nos. 2 to 5

Mr. Sanjay Saha, Advocate

.....for the Respondent Nos. 6 to 8

Mr. Ayan Chandra Roy, Advocate
Mr. Tulsi Das Roy, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are aggrieved by the respondent-society foisting a sum on account of the petitioners' share for installation of a lift in the tower of a multistoried building where the petitioners reside. In addition to such installation cost, an amount has also been charged on account of interest as well as a further amount on account of arrears of maintenance (relating to installation of electric gates).
3. The Cooperative Society is represented and says that all such amounts are due and payable, specially the amount of installation of lift, which the other occupiers of the flats in the same building had deposited in 2022. The parties were unable to reach a consensus in so far as the outstandings were concerned and thus, there is a dispute between them regarding the amounts payable by the petitioners.
4. Since there is a dispute, between the petitioners and

the Cooperative Society, the petitioners will be at liberty to invoke the provisions of Section 102 of the West Bengal Cooperative Societies Act, 2006 (in short, the said Act), as may be advised.

5. The concerned Registrar is directed to dispose of the application of the petitioners within a period of six weeks from the date of filing of the application.
6. As agreed by the parties, the petitioners will deposit a sum of Rs.4,93,734/- with the respondent no. 7.
7. Upon such deposit being made by the petitioners, one of whom is a senior citizen, will be permitted to use the lift facilities of the said building. Needless to say that this deposit will be made without prejudice to the rights and contentions of the petitioners in the proceedings under Section 102 of the said Act, which they may undertake. The amount so deposited will be adjusted adequately in terms of the award that may be passed under Section 102 of the said Act.
8. With the afore-stated directions, **WPA 28344 of 2025 is disposed of.** No order as to costs.
9. Since no affidavits have been called for, the allegations contained in the writ-petition, are deemed to be denied.

(Reetobroto Kumar Mitra, J.)

