

10.12.2025
Court No.13
Item Nos.10 & 11
AP

MAT 2136 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
Bir Kumar Majumder and Ors.
Vs.
Smt. Shampa Roy Chowdhury and Ors.
With
MAT 2146 of 2025
With
CAN 1 of 2025
Smt. Shampa Roy Chowdhury and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Billwadal Bhattacharyya, Senior Advocate
Mr. Aditya Mondal
.... For the Appellant in MAT 2136 of 2025.

Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
.... For the Appellant in MAT 2146 of 2025 and
Respondent Nos.1 to 3 in MAT 2136 of 2025.

Mr. Ayan Banerjee
Ms. Sharmila Deb
.... For the State.

Mr. Ankit Sureka
Mr. Partha Sarathi Pal
.... For the Respondent Nos.3 to 5 in
MAT 2146 of 2025.

Mr. Ankit Sureka
Mr. Biplob Das
.... For the Respondent Nos.6 to 8 in
MAT 2136 of 2025.

Mr. Srijan Nayak
Ms. Rituparna Maitra
.... For the Cooperative Election Commission.

1. MAT 2136 of 2025 is filed with prayer for leave to challenge an order dated 5th December, 2025 passed by a Single Bench of this Court.

2. Having regard to the fact that the proposed appellants are also vitally interested in the election process to the society namely Bhattanagar Consumers Cooperative Stores Limited, leave is granted to prefer the appeal in question.

3. MAT 2146 of 2025 has been filed by the writ petitioners challenging the same order passed by the Single Bench.

4. The two appeals are taken up together. The common grievance of the appellants is with regard to publication of the draft voters list to the election proposed to be held to the said society by the Cooperative Election Commission.

5. The Single Bench has indeed addressed some of the grievances of the writ petitioners/appellants. The grievances have been heard and disposed of by the Returning Officer. Several new names have been included in the voters' list. The total voters now stand as 278 according to the writ petitioners/appellants.

6. Mr. Billwadal Bhattacharyya, learned Senior Advocate appearing on behalf of the appellants in MAT 2136 of 2025 submits that his client's name does not feature in the list of members.

7. Mr. Srijan Nayak, learned counsel for the Cooperative Election Commission submits that notice for publication of draft voters list was circulated since

August 2025, yet no objections were filed by the appellants.

8. Mr. Billwadal Bhattacharyya, learned Senior Advocate appearing for the appellants in MAT 2136 of 2025 and Mr. Sumitava Chakraborty, learned Advocate for the appellants in MAT 2146 of 2025 submit that they had submitted representations but were not considered.

9. Be that as it may, this Court is of the view that the appellants shall be entitled to submit comprehensive representations before the Returning Officer by 12th December, 2025 (5 pm). List of dead voters shall be informed to the Returning Officer. Name of those voters, who claim to be members, but have not been included in the list, may also be indicated in the representation.

10. All persons interested in the election process may file such representation physically along with the appellants with testimonials. In the event death certificate cannot be produced or membership certificates are not available with the concerned members, a certification to that effect by at least five eligible members shall be accepted as sufficient evidence by the Returning Officer.

11. The Returning Officer shall dispose of the representations of the appellants along with others, if so received by 12th December, 2025 (5 pm), within two working days thereafter i.e. 16th December, 2025.

12. The decision may be indicated by pasting on the same on the notice board of the society and to the individual applicants through their email or to their advocates-on-record.

13. The election schedule shall be deferred/postponed until two days after the decision of the Returning Officer duly communicated to the appellants in the manner indicated hereinabove to enable all intending members to participate in the election.

14. With the aforesaid observations, MAT 2136 of 2025 and MAT 2146 of 2025 are disposed of. Consequently, all connected pending applications are also disposed of.

15. There shall be no order as to costs.

16. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)