

13.03.2025
Item No. 183
Ct. No. 15

WPA 114 of 2025

AN

Kalyan Kumar Nag & ors.
vs.
State of West Bengal & ors.

Mr. Dyutiman Banerjee

... for the petitioners

Mr. Ankit Sureka
Mr. Partha Sarathi Pal

... for Cooperative Election
Commission

Mr. P. K. Roy
Mr. Biplob Das

... for respondent no. 2 & 3

Mr. Arijit Bardhan
Mr. Sarojit Dasgupta
Mr. Steven S. Biswas

... for respondent nos.4, 5 & 6

Mr. Krishnendu Banerjee
Mr. Ishan Ganguly

... for respondent nos. 8 & 9

The petitioners claim to be the depositors and members of the Ayeshabagh Samabay Krishi Unnayan Samity Ltd., respondent no. 5 herein. The petitioners allege that the money deposited by them in the Society has not been refunded.

It appears that on earlier occasion, the petitioners filed WPA 25233 of 2023 claiming refund of the money.

The said writ petition was disposed of by a Coordinate Bench of this Court on 04.03.2024 granting

leave to the petitioners to apply before the concerned Deputy Registrar of the Cooperative Societies under Section 102 of the West Bengal Cooperative Society Act, 2006.

The authority was directed to take necessary steps to adjudicate the dispute in accordance with law, in the light of the direction passed by another Coordinate Bench of this Court on 07.07.2023 in CO 243 of 2022.

In course of the submissions, it appears that the petitioners have made a representation before the concerned Deputy Registrar of the Cooperative Societies in compliance with the order dated 04.03.2024.

The petitioners submit that despite such representation no steps have been taken.

Learned counsel appearing for the respondent no. 2 and 3, on the other hand, submits that no steps could be taken by the concerned Deputy Registrar of the Cooperative Societies since the petitioners filed no application in prescribed form to raise a dispute under Section 102 of the West Bengal Cooperative Societies Act, 2006.

Learned counsel appearing for the petitioners, however, seek further time to raise the dispute before the Deputy Registrar of the Cooperative Societies in prescribed form.

Accordingly, this writ petition is disposed of by granting liberty upon the petitioners to raise the dispute in

terms of Section 102 of the West Bengal Cooperative Societies Act, 2006 in prescribed form within a period of one month from the date of communication of this order.

If such dispute case is filed, the same shall be adjudicated by the Deputy Registrar of the Cooperative Societies in accordance with law within a period of six months thereafter.

It also appears that the election of the Society is long due. The Society is presently being run by a Special Officer appointed by the Deputy Registrar of the Cooperative Societies.

All parties before this Court jointly pray for holding the election of the Society immediately.

In that view of the matter, the West Bengal Cooperative Election Commission shall take necessary steps to complete the election of the Society within a period of three months from date.

The petitioners shall add the election commission as a respondent in this writ petition. Let a copy of the writ petition be served upon Mr. Ankit Sureka, learned advocate, who usually appears for the Election Commission.

The reports filed by respondent nos. 5 and 3 be kept with the records.

WPA 114 of 2025 is disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Kausik Chanda, J.)