

OD 3

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO 15 of 2025
IA GA 1 OF 2025
SUNIL KUMAR PANDEY AND ORS.
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE SMITA DAS DE
Date : 13th March, 2025.

Appearance :
Ms. Shamolima Sarkar, Adv.
Mr. Abhishek Bhattacharjee, Adv.
...for the appellant
Mr. Srijan Nayak, Adv.
Mrs. Rituparna Maitra, Adv.
...For respondent nos. 2,3 and 4
Mr. Ankit Sureka, Adv.
Mr. Biplob Das, Adv.
...for respondent no. 6
Mr. Amitava Chaudhuri, Adv.
Mr. N.Roy, Adv.
Mr. Pradipta Siddhanta, Adv.
...for respondent nos. 8 to 20

The Court: The appeal is at the behest of the writ petitioner and directed against the order dated December 4, 2024.

The appellant approached the writ Court with the following prayers in the writ petition :

“a) A writ of and/or in the nature of Mandamus be issued commanding the respondent authorities and each one of them, their men, agents and subordinates to rescind, recall, revoke

and/or withdraw the order under Memo No. 1629/IV-3427/11 (Kolkata Pt) dated 23rd August, 2024 issued by the respondent no. 2 and to act in accordance with law.

b) A writ of and/or in the nature of Mandamus commanding the respondent authorities and each one of them, their men, agents, assigns and/or subordinates to immediately conduct election for constitution of the elected board of directors of the Calcutta Tramways Employees' Co-operative Credit Society Limited in accordance with law.

c) A writ of and/or in the nature of Certiorari do issue directing the respondent authorities to certify and transmit to this Hon'ble Court all records and papers relating to this matter so that conscionable justice may be rendered.

d) Any other writ or writs, order or orders and/or direction or directions;

e) Rule NISI in terms of prayers (a) to (d) as above;

f) Rule NISI be made absolute if no cause or if no sufficient cause be shown by the respondents;

g) An interim order restraining the respondent authorities from giving any effect or further effect to the order under Memo No. 1629/IV-3427/11 (Kolkata Pt) dated 23rd August, 2024 till the disposal of this application.

h) An Ad-interim order in terms of prayer (g) as above;

i) Costs of and incidental to this application be borne by the respondents;

j) Such further and/or other order or orders be passed and/or direction or directions be given, as to this Hon'ble Court may deem fit and proper."

The first prayer in the writ petition is a challenge to a notification dated August 23, 2024 by which the interim Board was constituted since the tenure of the Board of Directors of the concerned co-operative society expired. Learned Single Judge noted such fact and proceeded to grant relief to the appellant so far as the main prayer is concerned in the writ petition.

The main prayer is holding of an election of the Co-operative Society.

Learned Single Judge by the impugned order directed holding of the election of the society in accordance with law. Learned Single Judge also directed the Election Commission to take appropriate steps.

Court is informed that the election process is already on.

The impugned order was passed on December 4, 2024, while, the present application for stay was affirmed on February 26, 2025. In the interregnum, process of election was also initiated in terms of the impugned order.

It is contended on behalf of the appellant that, non members were appointed for the interim board and that, free and fair election is not possible under such interim board since the Election Commission will act in terms of the direction of the interim board.

We are unable to accept such contention of the appellant. Election process is on. Election Commission is a separate body who is not bound by any direction of the interim board.

Interim board was formulated only on the ground that the tenure of the existing Board of Directors expired. Statute allows formation of interim board. Nothing is placed on record to hold that, the formation of the interim board is not in accordance with law.

In such circumstances, we find no reason to intervene in the present appeal.

APO 15 of 2025 along with all connected applications are disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(SMITA DAS DE, J.)

TR/