

Court No. 19
(265719)

26.02.2026
(AD 16)
(S. Banerjee)

WPA 4441 of 2026

Rakhi Bag
Vs.
The Registrar of Co-operative Societies & Ors.

Mr. Prosenjit Mukherjee
Mr. Prosenjit Chongder
...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy
...for the State

Mr. Srijan Nayak
Ms. Rituparna Maitra
...for the Co-operative Election Commission

Mr. Ankit Sureka
Mr. Biplob Das
...for the respondent nos. 2, 11, 12 and 13

Mr. Pradip Kumar Roy, Sr. Advocate
Mr. Joydeep Roy
...for the

Petitioner claims to be the Treasurer of Sumati Self Help Group. Petitioner submitted his nomination paper for being elected as a member of Board of Directors of the B. C. Roy Swanirbhar Sanghamahila Prathamik Bohumukhi Samabay Samity Limited, being the 10th respondent herein. Petitioner states that after getting the no-defaulter certificate on February 13, 2026, the petitioner went to the concerned Assistant Returning Officer and submitted the same. Petitioner claims that on February 12, 2026 the nomination of the petitioner was rejected on the

ground that the Sumati Swanirbhar Dol is a defaulter.

Mr. Mukherjee, learned advocate appearing for the petitioner draws the attention of the Court to the certificate issued by the bank dated February 13, 2026 wherein the bank has certified that the account of M/s. Sumati Swanirbhar Dol is not a defaulter and it s regular account.

Mr. Nayak, learned advocate appears for the Co-operative Election Commission. He submits that the date of scrutiny of the nomination papers was fixed on February 12, 2026 and upon scrutiny it was found that the Sumati Swanirbhar Dol being a defaulter, the nomination of the petitioner was cancelled.

Mr. Sureka, learned advocate appearing for the Assistant Registrar of Co-operative Society produces a copy of the statement issued by the authorities of the Bank of Baroda dated February 11, 2026 indicating the list of defaulters in respect of self-help group accounts. He submits that from the said certificate it appears that the Sumati Swanirbhar Dol was a defaulter as per the statement issued on February 11, 2026.

It is not in dispute that the date of scrutiny of nomination papers was fixed on February 12, 2026

and the statement annexed to the writ petition is dated February 13, 2026 that is subsequent to the date of scrutiny of the nomination papers.

After hearing the learned advocate appearing for the respective parties and perusing the materials placed in course of hearing of this writ petition, it appears that there are two certificates issued by the bank on two different dates as to whether the account of the self-help group is a defaulter account or a regular account. The statement issued prior to the date of scrutiny shows the Sumati Swanirbhar Dol as a defaulter and the statement issued subsequent to the date of scrutiny shows that such self-help group is not a defaulter.

Such a disputed question of fact cannot be gone into in a writ petition moved one day prior to the date fixed for holding of the election. The election is scheduled to be held on February 27, 2026. Dispute relating to cancellation of nomination paper is a dispute concerning the conduct of the election and the same squarely falls within the expression of 'election dispute'.

In view of Regulation 3(35) of the West Bengal Co-operative Election Commission Regulation, 2012 any dispute relating to the election of delegates in any

co-operative society shall be referred to the Co-operative Election Commission within the specified time from the date of arising of such dispute.

For such reason, this Court is not inclined to entertain the instant writ petition.

Accordingly, this writ petition stands disposed of by leaving the petitioner free to approach the appropriate forum in accordance with law.

(Hiranmay Bhattacharyya, J.)