

Sl.24
09.06.2026
Court No.19
BP

WPA 5859 of 2026

North 24 Parganas Co-operative
Agricultural and Rural Development Bank Ltd.
-versus-
The State of West Bengal & Ors.

Mr. Soumyadeep Biswas
Ms. Puja Banerjee
..for the petitioner

Mr. Ankit Sureka
Mr. Biplob Das
..for the respondent nos. 3 & 4

Mr. D.N. Ray, Ld. G.P.
Ms. Sushmita Saha Dutta, Ld. AGP
Mr. Madhu Jana
Ms. Puja Sonkar
..for the State

The 5th respondent is working for gain under the South Dum Dum Municipality. The 5th respondent is a member of the petitioner Cooperative Agricultural and Rural Development Bank. The 5th respondent approached the petitioner society for grant of a loan and the loan amount of Rs. 2,50,000/- was duly sanctioned and disbursed on 7th December, 2019. The petitioner society alleges that the 5th respondent has defaulted in payment of monthly instalment to the petitioner society. The petitioner claims that as on November 30, 2025 a sum of Rs. 2,28,904/- is lying due and payable by the 5th respondent to the petitioner society on account of the principal amount along with the interest of Rs. 1,95,968/-

the total amounting to Rs. 4,24,872/- (Four Lakh Twenty Four Thousand Eight Hundred and Seventy Two).

Mr. Biswas, learned advocate appearing for the petitioner draws the attention of the Court to the agreement entered into between the petitioner society on one hand and the 5th respondent on the other in terms of the provisions laid down under Section 59(1) of the West Bengal Cooperative Societies Act, 2006. The petitioner society approached the Finance Officer, South Dum Dum Municipality being the 2nd respondent who is the drawing and disbursing officer of the 5th respondent for deducting the monthly instalment from the salary of the 5th respondent. Mr. Biswas further submits that in spite of receipt of such representation the concerned drawing and disbursing officer has not taken any steps in that regard.

Ms. Saha Dutta, learned Additional Government Pleader representing the respondent nos. 1 and 2 submits that necessary steps in accordance with the provisions of Section 59(2) of the West Bengal Cooperative Societies Act, 2006 shall be taken.

Heard Mr. Sureka, learned advocate for the respondent nos. 3 and 4.

None appears for the 5th respondent in spite of service.

Record reveals that an agreement under Section 59(1) of the West Bengal Cooperative Societies Act, 2006 has been executed by the 5th respondent who is the

member of the petitioner cooperative society. In terms of sub-section 2 of Section 59 of the West Bengal Cooperative Societies Act, 2006, upon execution of the agreement under Section 59(1), the drawing and disbursing officer is obliged to make deduction in accordance with the agreement and pay the amount to the Cooperative Society within the time limit specified in the said Section upon a requisition made in writing. It is not in dispute that the petitioner society has submitted a written requisition to the drawing and disbursing officer by a letter dated 9th February, 2023.

Accordingly WPA 5859 of 2026 stands disposed of by directing the Finance Officer, South Dum Dum Municipality being the 2nd respondent and drawing and disbursing officer of the 5th respondent to make deduction in accordance with the agreement entered into between the petitioner society and the 5th respondent and pay the amount to the petitioner society within fifteen days from the date of such deduction till the entire amount is liquidated.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)