

Item No.6  
19.05.2026  
Court. No. 12  
GB

MAT 740 of 2026  
With  
CAN 1 of 2026  
With  
CAN 2 of 2026

Sanjib Sil  
VS  
The Registrar of Societies & Ors.

*Mr. Tapas Kumar Dey*

*...for the Applicant.*

*Ms. Nandini Mitra*

*...for the Respondent Nos.2 & 3.*

*Mr. Ivan Roy,  
Mr. Kaustabh Banerjee*

*...for the Respondent Nos.5 & 6.*

1. The defect has been cured.
2. The appellant has preferred this appeal being aggrieved by an order dated March 11, 2026, passed in WPA 22365 of 2025. The prayers in the writ petition are set out below:-

*“a) A writ in the nature of Mandamus be issued directing the Registrar of Societies to call for all the documents, papers and accounts relating to the affairs of the Society including the Financial affairs from 2011 till date and upon due inspection and consideration to file a Report before the Hon’ble Court.*

*b) A writ in the nature of Mandamus be issued directing the Registrar Societies to appoint an independent Auditor to go into the financial accounts and/or papers so as to carry out the Audit of the activities of the Society and to file a Report with the Registrar*

*of Societies so as to include such report in the Record of the Registrar to be filed before this Hon'ble Court.*

*c) A writ in the nature of Mandamus be issued directing the Registrar of Societies to appoint an independent Administrator in order to protect the future of the students and the Institute as a whole.*

*d) A writ in the nature of Mandamus for appointment of Special Officers to take charge of the Papers documents and accounts of the Society from 2011 and to Supervise the day to day affairs of Calcutta Institute of Engineering and Management (Calcutta Institute of Engineering and Management Society) and to extend cooperation to the Registrar of Society in carrying out the order of the Hon'ble Court.;*

*e) A writ in the nature of Mandamus be issued directing the Management of the society to provide all necessary assistance and cooperation to the Special officers appointed, Registrar of Society and/or the Auditor for the purpose of carrying out the order of this Hon'ble Court.*

*f) A writ in the nature of Mandamus be issued directing the Respondent Government Authorities to provide all necessary assistance and cooperation to the Special officer appointed and/or the Auditor for the purpose of verification of the Financial documents and/or papers since 2011 till date.*

*g) A writ in the nature of certiorari calling upon the Respondents to certify and transmit the records pertinent to the instant case before the Hon'ble Court so that comprehensive justice may be rendered.*

*h) Rule NISI in terms of the prayer (a) and (b), as above.*

*i) An order interim and/or ad-interim directing the Registrar of Societies to appoint an independent Auditor at a remuneration to be given out of the funds of Society for the purpose as stated hereinabove;*

*j) An order interm and/or ad-interim directing the Registrar of Societies to call for all the records and/or papers from the institute and to file a report within the stipulated period of 3 weeks from the date of the order passed.*

*k) Cost.*

*l) And/or to pass such further order or orders as your lordship may deem fit and proper.”*

3. It is submitted by the appellant that the order of His Lordship suffers from various irregularities, inasmuch as, some of the prayers in the writ petition were not dealt with and His Lordship relegated the matter to the Registrar of Societies. At the hearing before the Registrar of Societies, the appellant will not be in a position to urge those points and pray for similar

reliefs as the principles of constructive res judicata would apply. It is further submitted that the irregularities in the affairs of college require immediate appointment of an independent auditor, followed by the appointment of an administrator. The governing body of the college controls the entire functioning of the society which has resulted in serious financial irregularities.

4. Learned advocate for the respondent nos.5 and 6 submits that the appellant is on compulsory leave with pay. There are allegations against the appellant. The appellant has chosen a circuitous manner, to avoid steps that may be taken against him, by taking shelter of the writ court.
5. Ms. Mitra, learned advocate for the respondent nos.2 and 3 submits that the learned Judge has rightly relegated the matter to the Registrar of Societies in terms of Section 23 of the West Bengal Societies Registration Act, 1961.
6. We find that Section 23 of the said Act provides for investigation into the affairs of the society. When, upon information received, the State Government was of the opinion that the circumstances suggesting that the business of the society was being conducted with the intent to defraud members, creditors or if the society was guilty of mismanaging the affairs, the State Government could appoint a competent person to investigate into the affairs of the society.

7. However, the issues raised before the learned writ court were factual. The appellant alleged that the society and the college had indulged in unlawful activities, especially with regard to the funds. It was alleged that the salaries of the workers and teachers were not paid.
8. Upon hearing the parties, His Lordship relegated the matter to the Registrar of Societies to make an investigation into the complaint lodged by the appellant, by disposing of the representation.
9. We do not find any illegality in the decision. The prayers made by the appellant with regard to an independent audit or appointment of an administrator shall be considered by the Registrar of Societies.
10. We are informed that the Registrar of Societies has already fixed a date for hearing. All parties are at liberty to approach the said authority with their written statement. They shall also be permitted to adduce evidence, both oral and documentary in support of their respective cases. The Registrar of Societies will take a decision upon hearing all the parties and upon considering all relevant documents and materials available. The order will be communicated to the parties. The timeline prescribed by His Lordship shall be operative.
11. Accordingly, the appeal and the connected application being CAN 1 of 2026 are disposed of.

12. CAN 2 of 2026 is disposed of without any orders. If the appellant wants to produce any witness in support of his case before the Registrar, he is at liberty to do so.

**(Shampa Sarkar, J.)**

**(Ajay Kumar Gupta, J.)**