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09-06-2026

Ct. 19

WPA 29507 of 2025

Prasanta Ghorui & Anr.
Versus
The State of West Bengal & Ors.

Mr. Tarapada Das
...for the petitioners
Mr. D.N. Ray, Ld. G.P.
Ms. Susmita Saha Dutta, AGP
Mr. Madhu Jana
Ms. Puja Sonkar
...for the State
Mr. Ankit Sureka
Mr. Biplob Das
...for the respondent nos.2&3
Mr. P.K. Roy, Sr. Adv.
Mr. Partha Sarathi Pal
...for the respondent nos. 5&6

Mr. Sureka, learned Advocate appearing for the respondent nos. 2 and 3 raises an objection as to the maintainability of this writ petition in view of the alternative and efficacious appellate remedy available under Section 147 of the West Bengal Co-operative Societies Act, 2006 before the Co-operative Tribunal.

Faced with such situation, the learned Advocate appearing for the petitioners prays for leave to withdraw this writ petition with liberty to approach the Co-operative Tribunal.

The learned Advocate appearing for the petitioners, however, submits that immediately after the certified copy of the impugned order was supplied to the petitioners, the instant writ petition has been filed. It appears that an award was passed on 9th September, 2025 and the instant writ petition was filed on 7th November, 2025 and the writ petition was pending since then.

This court is of the considered view that the

petitioners shall be entitled to exclusion of the period during which the writ petition was pending before this Court.

In the light of the submission made by the learned Advocate for the petitioners, leave is granted to the petitioners to withdraw this writ petition with liberty to approach the Co-operative Tribunal challenging the award dated 9th September, 2025.

If the Co-operative Tribunal is approached on or before June 30, 2026, the Co-operative Tribunal shall entertain the appeal and decide the same on its merit without dismissing the same on the ground of the limitation.

With the aforesaid observation and direction, this writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)