

26.08.2025
sayandeep
Sl. No. 154
Ct. No. 05

WPA 17448 of 2025

Bidyut Kumar Saha
Vs.
The State of West Bengal & ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar

.... for the petitioner

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal

....for the respondent Nos. 2 & 3

Mr. Deepnath Roy Chowdhury
Mr. Vijay Verma

..... for the respondent Nos. 4 & 5

1. The present writ petition has been filed, *inter alia*, challenging an award passed under Section 139 of the Co-operative Societies Act, 2006 (hereinafter referred to as the "said Act") dated 23rd June, 2025. Admittedly, the petitioner had taken loan aggregating to Rs. 15 lakhs under six several loan accounts from the Samabaya Krishi Unnayan Samity, which is Cooperative Credit Society within the meaning of Section 4(20) of the said Act (hereinafter referred to as the "Cooperative Society"). To secure the above loan the petitioner had pledged the cultivated crops and the same remained in the custody of the society. Records reveal that since, the petitioner did not repay the loan along with interest in time, the Cooperative society had issued reminder dated 6th July, 2022. In response thereto, the petitioner had claimed by letter in writing dated 18th April, 2023 that since the society did not preserve the crops properly, the crops were damaged while in the custody of the society.
2. The aforesaid stand taken by the petitioner prompted the co-operative society to initiate a proceedings under Section 139

of the said Act. Such proceedings ultimately culminated in an award which is impugned in the present writ petition.

3. Mr. Maity, learned advocate representing the petitioner has strenuously argued that the objection raised by the petitioner was not even considered by the adjudicating authority. According to him, the factum of the crops being pledged with the Cooperative Society was also not considered by the adjudicating authority. He would submit that although, he had raised an objection as regards the competence of the cooperative society to maintain such application, the same has not been considered.
4. By placing reliance on the provision of Rule 171 of the Co-operative Societies Rules, 2011 (hereinafter referred to as the "said Rules"), he would submit that although, the adjudicating authority was under an obligation to pass the award within 15 days from the date of the completion of hearing, the same has not been done.
5. Mr. Chowdhury, learned advocate appears on behalf of the respondent Nos. 4 and 5. Mr. Sureka, learned advocate appears on behalf of the respondent Nos. 2 and 3.
6. Having heard the learned advocates appearing for the respective parties, I find that the petitioner had in fact taken a loan of Rs. 15 lakhs. The petitioner did not repay the entire loan in time. Although, the petitioner was prompted by the Cooperative society as regards his default in repayment of loan, the petitioner complains that since the society had not appropriately store the pledged goods, the same had been damaged. The above would be borne out from the letter dated 18th April, 2023. However, by such letter, the petitioner did not whisper as to how the petitioner would repay the loan

amount. Records would reveal that the society had since initiated a proceedings under Section 139 of the said Act. After contested hearing, such proceedings culminated in the award which is impugned in the present writ petition. I find that one of the grounds on which award has been challenged is that the adjudicating authority did not consider the objections raised by the petitioner.

7. On the aforesaid aspect, I find that the goods that were pledged by the petitioner were perishable in nature. Admittedly, the petitioner was put on notice as regards his default in repayment of loan. The petitioner did not take back the goods nor make any attempt to take the same back by repaying the loan. The legal provisions empower the co-operative society to retain the goods since the same had been pledged. On this aspect, I do not find that any illegality had been committed by the adjudicating authority. On the ground as to whether an award passed in violation of Rule 171(3) of the said Act can be said to be vitiated, I find the same provisions cannot be said to be mandatory as no consequences has been provided for. In any event, the aforesaid provision may not apply in the instant case and cannot have the effect of vitiating the award since such a consequence has not been provided for. On such grounds, I am of the view that petitioner having not repaid the loan cannot be permitted to agitate such issues before this Court at this stage. I also find that petitioner has not been able to identify any procedural irregularity committed by the adjudicating authority.
8. Accordingly, the writ petition fails and is hereby dismissed without any order as to costs.

9. The parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble Court.

(Raja Basu Chowdhury, J.)