

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No. GA/1/2025

In

CS/87/2025

THE FATEHPUR SINGHANIA PANCHAYAT & ANR.
VS.
CHAITANYA KUMAR SINGHANIA & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th September, 2025.

Appearance:

Mr. Sankarsan Sarkar, Adv.

Mr. Sourojit Dasputa, Adv.

Mr. Abhishek Jain, Adv.

For plaintiffs/petitioners

Mr. D.N.Sharma, Sr. Adv.

MR. Shailendra Jain, Adv.

Mr. Farhan Ghaffar, Adv.

For defendants

The Court:- It is alleged by the plaintiffs being the Fatehpur Singhania Panchayat, a society within the meaning of Societies Registration Act, 1860 (hereinafter referred to as said Society) being the plaintiff no.1 and the secretary of the said Society being the plaintiff no.2 that the former secretary of the said Society being the defendant no.1 had siphoned out

funds of the Society inter alia for personal gain. In the suit, the plaintiffs have amongst other sought for a decree against the defendant no.1 for the amount alleged to have been siphoned off. Further relief has also been sought for in respect of operation of the bank accounts of the said Society (plaintiff no.1). It is submitted that the defendant no.1, by virtue of being the former secretary of the plaintiff no.1 (Society) had the authority to operate the bank accounts of the Society. The said defendant no. 1 has tendered his resignation by a letter dated 20th October, 2024. Despite such resignation which was accepted as of now, the mobile number and the E-mail ID of the defendant no.1 are enlisted with the banks wherein the accounts of the said society are maintained and, as such, the Society is finding it difficult to operate its bank accounts. The OTP and other messages in respect of bank transaction made by the society are sent by the bank to the mobile number and the E-mail of the defendant no.1 as they are still registered with the bank. The plaintiffs, therefore, want the use of the mobile number and the E-mail ID of the defendant no.1 in connection with operation of the bank account by the society to be stopped. In this interlocutory application, the plaintiffs are therefore seeking ad interim order in terms of prayer (c) and (f).

On behalf of defendant no.1, it is submitted that the plaintiff no.2 who claims to be the present secretary of the plaintiff no. 1 is not the secretary of the plaintiff no.1 - Society. The entire election process of the secretary and other office bearers of the Society is illegal and has been challenged in a suit filed before the City Civil Court. On a query from Court,

it is submitted on behalf of the defendant no. 1 that no interim order, although prayed for, has been passed by the learned City Civil Court. The defendant no.1 being one of the plaintiffs in the suit before the City Civil Court is taking steps for service of the Writ of Summons. The defendant no.1, therefore, says that no order either in form of ad interim measure or as a final measure in the interlocutory application can be passed in favour of the plaintiffs at this stage. This more so as, according to the defendant no.1 passing such orders will cause the suit before the City Civil Court which is prior in time will be rendered infructuous.

After hearing the parties and considering the materials on record, I find that the defendant no.1, by a letter dated 20th October, 2024, has resigned from the post of secretary of the plaintiff no.1-Society. The resignation letter is not under challenge before the City Civil Court.

It is the case of the defendant no.1 that under coercion and duress the defendant no.1 had to sign the same. The allegations as to coercion or duress being the cause of the resignation of the defendant no.1 has to be gone into after permitting the defendant no.1 to disclose his stand on affidavit. However, at this stage the Society has to function. The operation of bank accounts is an integral part of the functioning of the Society. In the event the Society is unable to defray the financial requirements including the salary of staff and employee and other statutory dues, the Society is likely to be exposed to further penal consequences. The authority of the plaintiff no.2 has been challenged.

Without going into the challenge as to such authority at this stage, the following order is passed for smooth operation of the Society.

- 1) The President of the Society whose appointment is undisputed along with the Treasurer of the Society shall only be authorized to operate the bank accounts of the said Society and in particular the bank account bearing No.61118475184 maintained with State Bank of India, Fatehpur Branch and Bank Account No.00260100019449 maintained with Bank of Baroda, Brabourne Road Branch.
- 2) The defendant no.1 is precluded from operating any of the aforesaid bank accounts of the said Society.
- 3) The mobile number and electronic mail ID of the defendant no.1 should be deregistered by State Bank of India and Bank of Baroda from the two accounts as aforesaid.
- 4) The defendant no.1 is precluded from operating the Permanent Account Number(PAN) of the plaintiff no. 1 either for the purpose of filing of income tax return or otherwise.
- 5) The Income Tax Authorities shall delete the mobile number and E-mail ID of the defendant no.1 registered with the Assessee Number or PAN of the plaintiff no.1 so that neither any OTP nor any information regarding the income tax and other statutory rates and taxes of the plaintiff no.1 is shared with the defendant no.1 in any manner whatsoever.

This order is passed as the plaintiff no.1 has been able to make a strong prima facie case and the balance of convenience and inconvenience is in favour of the said plaintiff no.1.

Let affidavits be filed.

Affidavit-in-opposition be filed by 29th October, 2025; reply, if any, be filed by 20th November, 2025.

Matter to appear in the monthly list of December 2025.

The point of maintainability that the suit filed by the plaintiff no.2 on behalf of the said Society is kept open.

The plaintiff no. 1 shall be entitled to communicate this order to State Bank of India, Bank of Baroda and the income tax authorities for taking necessary steps as directed by his order.

(ARINDAM MUKHERJEE, J.)

Sb/