

ORDER SHEET

GA No. 2359 of 2019 with
CS No. 209 of 2019
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ATANU LAHIRI
Versus
SAIKAT BASU AND 12 OTHERS

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 3rd December, 2019.

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Sarvapriyo Mukherjee, Adv.
Ms. Rajshree Kajaria, Adv.
Mr. Rachit Lakhmani, Adv.
Mr. Saptarshi Mukherjee, Adv.
...for the plaintiff
Mr. Chinmay Pal,
Mr. Kamal Krishna Guha, Adv.
...for the defendants

The Court : In a suit for declaration and injunction that, the plaintiff was illegally removed from his post as a secretary of the Bengal Chess Association [BCA], the plaintiff seeks interim relief.

Learned advocate appearing for the plaintiff submits that the notice for convening a meeting to consider the agenda of suspending and ultimately removing the plaintiff who is the Secretary of the BCA was not issued by a person recognised by the Regulations of BCA. He draws the

attention of the Court to the Regulations of BCA. He also draws attention of the Court to the notice issued by the Working President. He submits that the election of BCA has not been held for a period in excess of three years. He draws attention of the Court to the fact that initially an Annual General Meeting (AGM) was convened on July 13, 2019 which was subsequently adjourned for three months to October, 2019. Such adjourned AGM has not been held till date. He submits that, BCA is under the threat of being de-recognized in the event appropriate elections of the office-bearers are not held within time. He requests appointment of Special Officer to hold the AGM and elections of the office bearers of BCA.

Learned advocate appearing for the defendant nos. 1, 3, 6 and 7 submits that, the plaintiff is guilty of defalcation of funds of BCA. The plaintiff mis-utilised the official post of BCA for his personal gains. The plaintiff is holding on to the books and relevant documents of BCA and not making it over to the defendants. The defendants are agreeable to have the elections held. Since the plaintiff is not making over the relevant papers, register and other documents of BCA, the defendants are unable to hold the AGM and the elections of the office-bearers. He submits that, January 25, 2020 be fixed for holding the AGM when the officer-bearers will be elected. The plaintiff should be directed to make over all documents and registers of BCA lying with him.

In reply, the learned advocate appearing for the plaintiff submits that, the plaintiff will make over the documents and registers of BCA to the Special Officer, should the Court be pleased to appoint Special Officer to conduct the elections. He submits that, it would be appropriate if learned advocates of the parties are appointed Special Officer for the purpose of conducting election.

The disputes between the parties relate to the affairs of BCA. Apparently, under the Regulations of BCA, the life of the Executive Committee of which the plaintiff claims to be the Secretary, and other defendants who claim themselves to be Executive Committee members and holder of other posts expired by efflux of time. There are documents on record to suggest that, an AGM of BCA was convened in the month of July 2019 which was adjourned till the month of October 2019. Subsequently, the AGM was not held. There are documents on record to suggest that, the defendants endeavoured to convene meetings for the purpose of holding the AGM and elections of the office bearers of BCA.

In the facts of the present case, in my view, interest of justice would be subserved by directing the AGM of BCA to be held on January 25, 2019 under the supervision of joint special officers appointed by the Court.

Mr. Kamal Krishna Guha, Advocate for the defendant Nos. 2, 3, 6, 7 and 9 and Mr. Saptarshi Mukherjee, Advocate for the plaintiff are appointed Joint Special Officers for the purpose of holding the AGM of BCA and elections of the office bearers of BCA. The plaintiff will make over all papers, documents and registers lying with him of BCA to the Joint Special Officers forthwith. The parties to the suit will cooperate with the Joint Special Officers in issuing notices and conducting the AGM as directed by the Court.

List the application on January 2, 2020, when the Joint Special Officers will submit a report as to whether the plaintiff made over papers, documents and registers to the Joint Special Officers or not and whether the parties to the suit are cooperating with them or not for the purpose of convening, holding and conducting AGM and holding elections for the office bearers of BCA as directed by the Court.

This order will not prevent the Joint Special Officers from issuing appropriate notices to the members including the parties to the suit for the AGM of BCA and election of office bearers of BCA.

By consent of the parties, the Joint Special Officers are at liberty to operate the bank account standing in the name of BCA. The Joint Special Officers will keep accounts of the transactions done by them.

The Bank Account will be operated jointly by the Joint Special Officers. All expenses incurred must be done jointly.

(DEBANGSU BASAK, J.)

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