

S/L 3
08.10.2026
Court. No. 25
Sourav

WPA 25629 of 2026

**National Pump Operators Co-operative Society Ltd.
Vs.
The State of West Bengal & Ors.**

*Mr. Sabyasachi Chatterjee
Mr. Badrul Kairm
Mr. Rishab Ahmed Khan
Mr. Aritra Ghosh*

...for the petitioner.

*Ms. Aparna Banerjee
Mr. Arijit Bohumik*

...for the respondent nos. 7 to 9.

1. The petitioner has filed the present writ application praying for a direction upon the respondent authorities particularly, the Kolkata Municipal Development Authority to consider and continue the engagement of the petitioner Co-operative society for undertaking the operation and maintenance of the water pump by executing agreements in that regard.
2. Learned counsel for the petitioner submits that on December 17, 1999, the Officer on a Special Duty of the Kolkata Metropolitan Water and Sanitation Authority has requested the President, CMW&SA Contractors' Pump Operator Forum that in the event, the co-operative society is engaged as agency for the Annual Operation and Maintenance Scheme, the authority will pay to the society the amount that will be necessary for payment of wages only to those pump and valve operators who have been continuously doing the job under the contractors at present and who become members of the society to be formed.
3. Learned counsel for the petitioner submits that after the said communication, an agreement was entered between

the KMDA and the petitioner and as per the terms and agreement, the period of the agreement was 364 days with effect from October 2, 2025 and was ended on September 30, 2026. The petitioner further submits that in spite of tenure of the agreement, the authorities have not taken any steps for extension of the said agreement and as such, the petitioner has filed the present writ application directing the authorities to allow the petitioner to continue the said work.

4. The petitioner has filed the supplementary affidavit by disclosing the tender notice dated September 23, 2026 for the work "Round the clock operation and minor maintenance of 16 numbers booster pumping stations under Integration, SWTP, KMDA for 12 months".
5. Learned counsel for the petitioner submits that the respondent authorities instead of extending the agreement with the petitioner have issued the tender notice. In the tender notice, there is no provision has been incorporation by giving preference to the co-operative society. The petitioner has relied upon Rule 96 of the West Bengal Co-operative Societies Rules, 2011 and submits that as per the said Rules, in the tender process preference to be given to the society but the authorities failed to comply with the provisions of Rule 96 of the West Bengal Co-operative Societies Rules, 2011.
6. He further submits that the respondent authorities may be directed to incorporate the provisions in the tender issued by the respondent authorities dated September 23, 2026 by giving preference to the co-operative society.

7. Learned counsel appearing for the respondent nos. 7 to 9 submits that the writ petitioner filed by the petitioner is not maintainable. She submits that the petitioner has no right to claim that the agreement which has expired on September 30, 2026 is to be extended. In support of her submission, she has relied upon a judgment in the case of ***Joshi Technologies Internation Inc. Vs. Union of India and Others.*** reported in **(2015) 7 SCC 728** and submits that the Hon'ble Supreme Court has held that the Court may not examine the issue unless the action has some public law character attached to it.
8. By referring the said judgment, learned counsel for the respondent nos. 7 to 9 submits that in the present writ application there is no public law involved and the petitioner is asking for the personal benefits for extension of agreement which cannot be granted by this Court in the present writ application.
9. Heard the learned counsel for the respective parties. Perused the materials on record and the judgments relied by the respondent nos. 7 to 9.
10. In the present writ application, the petitioner has prayed for a direction upon the respondent authorities for extension of the period of the agreement which has been expired on September 30, 2026 and prays for a direction upon the respondent authorities to allow the petitioner society to undertake the operation and maintenance of the water pumps.
11. After filing of the writ petition, the authorities have published the tender notice for awarding tender with regard to the work namely, "Round the clock operation

and minor maintenance of 16 numbers booster pumping stations under Integration, SWTP, KMDA for 12 months”. Now the petitioner submits that in terms of Rule 96 of the West Bengal Co-operative Societies Rules, 2011, the respondent authorities in the tender notice ought to have incorporated the provision by giving preference to the petitioner society but that has not been incorporated.

12. The petitioner has relied upon Rule 96 of the West Bengal Co-operative Societies Rules, 2011 which reads as follows:

“96. Grant of preference and exemption by the state Government under sub-section (3) of section 60

In respect of any cooperative society or class of cooperative societies in the interest of promotion of cooperative movement in the state, the state government may, by general or special order, grant –

- (i) preference in the matter of settlement of lands and fisheries owned by the State Government;*
- (ii) preference in the matter of making purchases and fixing prices thereof;*
- (iii) preference in the matter of placing contractors for Government work without inviting open tenders;*
- (iv) exemption from deposit of earnest money required to be made alongwith the permission of tenders for Government contract work.*
- (v) exemption from deposit of security money required to be made before being allowed to take up government contract work for execution; and*
- (vi) exemption from payment of licence fees, if any, required to be paid for dealing in any commodity.”*

13. Section 60 provides for “exemption from compulsory registration of instruments relating to shares and

debentures of co-operative society and mortgage deeds executed in favour of co-operative agriculture and rural development bank or primary co-operative society. Sub Section 3 of Section 60 provides that a copy of mortgage deed referred to in sub-section (2) of Section 60 duly certified by the manager or branch manager, shall be sent to the registering officer through a messenger or by registered post with acknowledgement due within thirty day from the date of its execution.”

14. Considering the Rule 96 read with Section 60(3), this Court finds that neither Rule 96 nor Section 60(3) is applicable in the present case.
15. Considering the above, this Court finds that there is no merit in present writ application.
16. Accordingly, **WPA 25629 of 2026** is dismissed.
17. However, the dismissal of the writ application will not prevent the writ petitioner to participate in the tender notice published by the respondent authorities if the petitioner is otherwise eligible.
18. There shall, however, be no order as to costs.
19. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)