

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

I.A No. 60/2025/EZ
in
M.A No. 15/2025/EZ
(O.A No. 92/2023/EZ)

Arya Smart Living Group Housing Cooperative Society Ltd.

....Applicant/
Probable Impleader

- Versus -

Dr. Ganesh Das & Ors.

....Respondents

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Filed by:

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BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

I.A No. 60/2025/EZ
in
M.A No. 15/2025/EZ
(O.A No. 92/2023/EZ)

IN THE MATTER OF:

Arya Smart Living Group Housing Cooperative Society Ltd.

....Applicant/
Probable Impleader

- Versus -

Dr. Ganesh Das & Ors.

....Respondents

06 OCT 2025

Counter Affidavit of the Applicants in M.A No. 15/2025/EZ to I.A No. 60/2025/EZ of Arya Smart Living Group Housing Cooperative Society Ltd.

I, Dr. Ganesh Das, son of Sri. Dijendra Chandra Das, aged around 53 years, resident of Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, Kamrup(M) district, Assam, do hereby solemnly affirm and state as under:

1. That, I am Applicant No. 1 in M.A No. 15/2025/EZ, hence I am fully conversant with the facts and circumstances of the case and being authorized by the co-applicants I am competent to swear this affidavit.

That, save and except what has been specifically admitted in this affidavit and what appears from the records, the deponent categorically denies the rest of the statements and submissions made in I.A No. 60/2025/EZ (hereinafter referred to as the "I.A").



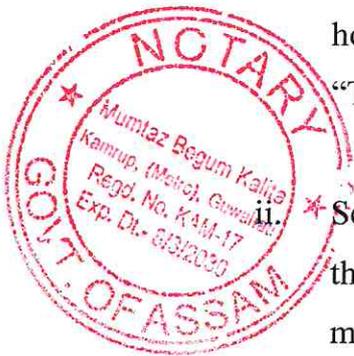
NOTARY
Muntaz Begum Kalita
Kamrup (Metro), Guwahati
Regd No. KAM 17

3. That, at the very onset the applicants would like to raise the following preliminary objections to the I.A filed by the Arya Smart Living Group Housing Cooperative Society Ltd. (hereinafter referred to as "Society") for the following among other reasons:

- i. Firstly, the M.A No. 15/2025/EZ has been filed by the instant applicants, primarily regarding two impugned notices dated 26.12.2024 and 10.01.2025 issued by Sr. Env. Engineer cum Regional Head, Regional Office Kamrup of Pollution Control Board, Assam (Respondent No. 7), which are in contrary to this Hon'ble Court's order dated 12.09.2024 in O.A No. 92/2023/EZ.

Be it stated that the probable impleader was never a party in the earlier rounds of litigation before this Hon'ble Court, i.e., neither in O.A No. 92/2023/EZ nor in O.A No. 32/2023/EZ, even though being aware of the said proceedings. In fact the Society kept mum against the violations of the project proponent M/s Arya Erectors Pvt. Ltd. (hereinafter referred to as the "Project Proponent") as the Board was primarily controlled by the Directors/Shareholders of the project proponent. It is because of the said fact that the applicants, who are buyers/owners of houses in the Arya Smart Living Township (hereinafter referred to as "Township") had approached this Hon'ble Court.

Secondly, it is reflected in order dated 16.07.2025 in the instant M.A that a separate dispute was going on between the Society and the members. Be it stated that subsequent to the filing of the instant I.A by the President/Board of the Society, the said President and Board of Directors was dissolved by the Registrar of Cooperative Society, Assam, vide order dated 10.09.2025 bearing No. eCMP. 390234/13 in a petition filed by the applicants and others, for wrongly conducting Annual General Meeting of the Society, among other violations, and an Officer of the Registrar of Cooperative Societies, Kamrup has been appointed to manage the Society. Therefore, the I.A and vakalatnama



M
Mumtaz Begum Kalita
Kamrup (Metro), Guwahati
Regd. No. KAM-17

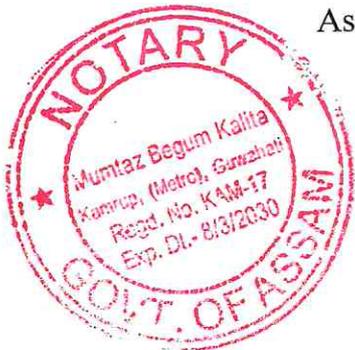
06 OCT 2025

filed by the ex-President/Probable Impleader Sri. Ram Krishna Pradhan, authorized by the dissolved Board of Directors has no legs to stand, hence the instant IA has become infructuous.

A copy of the order dated 10.09.2025 bearing No. eCMP. 390234/13 of the Registrar of Cooperative Society, Assam is annexed as ANNEXURE – A.

- iii. Thirdly, the ex-President/Probable Impleader Sri. Ram Krishna Pradhan and others, preferred W.P(C) No. 5766/2025 before the Hon'ble Gauhati High Court challenging the aforesaid order dated 10.09.2025 bearing No. eCMP. 390234/13 of the Registrar of Cooperative Society, Assam. However, the Hon'ble Gauhati High Court vide order dated 25.09.2025 was not inclined to stay the aforesaid order dated 10.09.2025 bearing No. eCMP. 390234/13 of the Registrar of Cooperative Society, Assam and listed the matter on 30.10.2025.

A copy of the above-mentioned Hon'ble Gauhati High Court order dated 25.09.2025 is annexed as ANNEXURE – B



4. That in view of the aforesaid facts and circumstances, the deponent humbly begs to state that since the President/ Board, which preferred the instant I.A has been dissolved and the matter is now subject to the decision of the Hon'ble Gauhati High Court in W.P(C) No. 5766/2025, hence the instant I.A maybe closed, with liberty to approach this Hon'ble Court, if so required, subsequent to the formation of the new Board of the Society.

5. That, this counter affidavit is being filed by the deponent without prejudice to the rights of the applicants in M.A No. 15/2025/EZ to file a more detailed affidavit and/or para-wise counter affidavit at a later stage, if so necessary.

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6. That the statements made in this affidavit and in paragraphs – 1 to 5 – are true to the best of my knowledge and belief and those made in paragraph – 3 (part) – being matter of records are true to my information derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 6th day of October, 2025 at Guwahati.

DEPONENT

Verification

I, the deponent above-named, do hereby verify that the contents of the above counter affidavit is true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

Verified at Guwahati, Assam on this 6th day of October, 2025.

DEPONENT

Identified by
Armita Jyoti Satama
(Advocate)
Assam High Court



NOTARY
Muntaz Begum Kalita
Kamrup (Metro), Guwahati
Regd. No. KAM 17

06 OCT 2025

GOVERNMENT OF ASSAM
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES ::::ASSAM
KHANAPARA:::GUWAHATI-22.

No. eCMP. 390234/13

Dated Guwahati the 10-09-2025

ORDER

Perused the petition forwarded by the Assistant Registrar of Coop. Societies, Guwahati vide Letter No. CKGH.44/2009/1042 dated 15/07/2025 and CKGH.44/2009/1007 dated 09/05/2025 regarding affairs of Arya Smart Living Group Housing CS Ltd.. Accordingly a date of hearing was fixed on 11/08/2025.

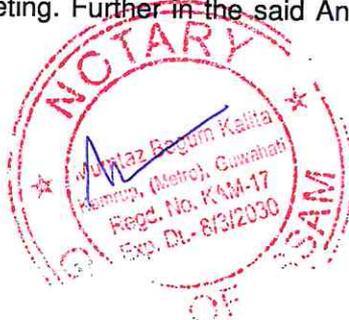
On the date of hearing following persons were present:

1. Ram Krishna Pradhan, BOD, Arya Smart Living Group Housing CS Ltd.
2. Roshan Pradhan, Member, Arya Smart Living Group Housing CS Ltd.
3. Rama K. Newar, Member, Arya Smart Living Group Housing CS Ltd.
4. Mrinmoy Borkakati, Member, Arya Smart Living Group Housing CS Ltd.
5. Dipankar Bhowmik, Member, Arya Smart Living Group Housing CS Ltd.
6. Tapanjyoti Dutta, BOD, Arya Smart Living Group Housing CS Ltd.
7. Biren Gogoi, Member, Arya Smart Living Group Housing CS Ltd.
8. Dr. Bijoya Goswami, Director, Arya Smart Living Group Housing CS Ltd.
9. Nirmali Chetia Gogoi, Auditor, Arya Smart Living Group Housing CS Ltd.
10. Dr. K. Bhattacharjya, Advocate
11. Sanjay Baruah, Member, Arya Smart Living Group Housing CS Ltd.
12. Dr. Ravi Dey, Member, Arya Smart Living Group Housing CS Ltd.
13. Dr. Ganesh Das, Member, Arya Smart Living Group Housing CS Ltd.
14. Brojen Dutta, Member, Arya Smart Living Group Housing CS Ltd.
15. Abhijeet Kakati, Advocate

Heard the petitioners and respondents, perused the relevant records. A hearing was held on 21/05/2025 on the appeal of Sri Ram Krishna Pradhan, where it was found that there were many differences between resolutions and the agendas in the Annual General Meeting of the society held on 28/09/2024 and so it was directed to convene fresh Annual General Meeting with adequate wide publicity to discuss the matters as per the agenda of the meeting and draw Resolutions as per the discussions held in the meeting vide this order No. eCMP.390234/3 dated 23/05/2025.

The petitioners stated that since the Annual General Meeting held on 28/09/2024 was wrongly conducted, so it should be dissolved. The petitioners also stated that the Ex-Secretary Smti. Rita Pradhan was present in Annual General Meeting held on 28/09/2024 as ex-officio member though her name was not entered in the voter list published by the society.

Since the matter is related to interpretation of Assam Cooperative Societies Act, 2007 so a legal view was obtained from Standing Counsel. The Standing Counsel opined that since there were mismatched between Agendas and Resolutions in the Annual General Meeting held on 28/09/2024, the same can be considered as wrongly conducted Annual General Meeting. Further in the said Annual General Meeting the Ex-Secretary



was present without having any voting rights as her name was not included in the voter list is clear violation of the provisions of Section 26 and 29 of Assam Cooperative Societies Act, 2007 and he recommended One Man Committee may be appointed to take over the day to day management of the society.

From the above, it is found that the Annual General Meeting of the society held on 28/09/2024 was wrongly conducted. So, it should be dissolved. Therefore, I Shri Narayan Konwar, IAS Registrar of Coop Societies Assam disapprove the proceeding of Annual General Meeting held on 28/09/2024 and appoint Dr. Paresh Saha, Deputy Registrar of Cooperative Societies, Kamrup as Officer on Management under Section 41(6) of Assam Cooperative Societies Act, 2007.

Digitally signed by
NARAYAN KONWAR

Date: 10-09-2025

Registrar of Cooperative Societies,
Assam, Khanapara, Guwahati-22.

Dated Guwahati the 10-09-2025

Memo No. eCMP. 390234/13-A

Copy to:

1. The Assistant Registrar of Cooperative Societies, Guwahati, Bhangagarh, Guwahati-5 for information and necessary action.
2. Dr Paresh Saha, Deputy Registrar of Cooperative Societies, Kamrup for compliance.
3. The President / Secretary of Arya Smart Living Group Housing C.S. Ltd., Abhoypur, North Guwahati, C/o:- ARCS, Guwahati for information.
4. Sri Siddhartha Das and others, flat owner of Arya Smart Living Group Housing C.S. Ltd. C/o- ARCS, Guwahati for information.
5. Sri Sanjay Baruah, Arya Smart Living Group Housing C.S. Ltd., Abhoypur, North Guwahati, C/o:- ARCS, Guwahati for information.
6. Dr. Ganesh Das & other petitioners Arya Smart Living Group Housing C.S. Ltd., C/o:- ARCS, Guwahati for information.

(eSigned)

Registrar of Cooperative Societies,
Assam, Khanapara, Guwahati-22.



GAHC010220432025



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5766/2025

RAM KRISHNA PRADHAN AND 10 ORS.
SON OF LATE HARI CHANDRA PRADHAN, RESIDENT OF VILLA C97, ARYA
SMART LIVING, ABHYAPUR, NORTH GUWAHATI 781031

2: IMDADUL HUSSAIN
SON OF LATE NAZAMAL HUSSAIN
RESIDENT OF VILLA -D103
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031 3.

3: NILUTPAL DUTTA
SON OF CHIDANANDA DUTTA
RESIDENT OF VILLA D8
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031

4: SMT BINITA JALAN
DAUGHTER OF SATYANARAYAN AGARWALLA
RESIDENT OF VILLA C-34
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI - 781031 5

5: BISHNUPADA CHOUDHURY
SON OF LATE BIRESH BHATTACHARJEE
RESIDENT OF VILLA -8
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031

6: DILIP SARKAR
SON OF LATE MAHADEV SARKAR



RESIDENT OF VILLA D94
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

7: SMT BIJOYA GOSWAMI
 DAUGHTER OF UTTAM CHANDRA GOSWAMI
 RESIDENT OF VILLA C108
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

8: BIREN GOGOI
 SON OF LATE JOGADHAR GOGOI
 RESIDENT OF VILLA C68
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

9: TAPANJYOTI DUTTA
 SON OF JOGEN DUTTA
 RESIDENT OF VILLA C32
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

10: RAMESH CHANDRA SARMA
 SON OF LATE UMESH CHANDRA SARMA
 RESIDENT OF VILLA C104
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

11: KRISHNA KANTA OJAH
 SON OF UPENDRA NATH OJAH
 RESIDENT OF VILLA B2
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 78103

VERSUS

THE STATE OF ASSAM AND 19 ORS.
 REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
 GOVERNMENT OF ASSAM, COOPERATION DEPARTMENT, DISPUR,
 GUWAHATI 781006

2:THE REGISTRAR



CO-OPERATIVE SOCIETIES
KHANAPARA
GUWAHATI - 781022
ASSAM

3:THE ASSISTANT REGISTRAR
CO-OPERATIVE SOCIETIES
KHANAPARA
GUWAHATI 781022
ASSAM

4:DISTRICT DEPUTY REGISTRAR
COOPERATIVE SOCIETIES
KHANAPARA
GUWAHATI 781022
ASSAM

5:SHRI SIDHARTHA DAS
AGED ABOUT 47 YEARS
SON OF TARUN CHANDRA DAS
RESIDENT OF VILLA D12B
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031

6:SHRI SUBROTO CHATTERJEE
AGED ABOUT 51 YEARS
SON OF SHIBENDRA KUMAR CHATTERJEE
RESIDENT OF VILLA - D23
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031

7:SHRI SANTOSH KUMAR KHAKHALARY
AGED ABOUT 45 YEARS
SON OF PRADIP KUMAR KHAKHALARY
RESIDENT OF VILLA - D14
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031

8:SHRI NABA KAMAL NATH
AGED ABOUT 44 YEARS
SON OF BHOLA RAM NATH
RESIDENT OF VILLA - D91
ARYA SMART LIVING
ABHYAPUR
NORTH GUWAHATI 781031



9:SHRI MANTU KUMAR DAS
 AGED ABOUT 61 YEARS
 SON OF DAYAL CHANDRA DAS
 RESIDENT OF VILLA - D43
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

10:SHRI PORESH KUMAR BORA
 AGED ABOUT 67 YEARS
 SON OF GANESH CHANDRA BORA
 RESIDENT OF VILLA - D4
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

11:SMT DOLLY GOGOI
 AGED ABOUT 38 YEARS
 WIFE OF ARUP CHOUDHURY
 RESIDENT OF VILLA - D30
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

12:SHRI HRIDAYANANDA BORUAH
 AGED ABOUT 59 YEARS
 SON OF HARI CHANDRA BARUAH
 RESIDENT OF VILLA - D3
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

13:SHRI DIPAK ROY
 AGED ABOUT 60 YEARS
 SON OF SUKUMAR ROY
 RESIDENT OF VILLA DV-14
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

14:SHRI NITUL SARMA
 AGED ABOUT 52 YEARS
 SON OF BIREN SARMA
 RESIDENT OF VILLA - DV-03
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031



15:SHRI PROMOTH KUMAR MODAK
 AGED ABOUT 54 YEARS
 SON OF PARIMAL KUMAR MODAK
 RESIDENT OF VILLA - DV-15
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

16:SMT SWAPNA DEVI
 ABOUT 57 YEARS
 WIFE OF MRINAL CHANDRA SARMA
 RESIDENT OF VILLA - D81
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

17:SRI BROJEN DUTTA
 AGED ABOUT 65 YEARS
 SON OF JIBAN CHANDRA DUTTA
 RESIDENT OF VILLA - D22
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

18:SRI MARKAR BAM
 AGED 65 YEARS
 SON OF TOMAR BAM
 RESIDENT OF VILLA - DV27
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI -781031

19:SRI RAVI DEY
 AGED ABOUT 50 YEARS
 SON OF MINTU DEY
 RESIDENT OF VILLA - D39
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI 781031

20:SRI GANESH DAS
 AGED ABOUT 54 YEARS
 SON OF MR. DIJENDRA CHANDRA DAS
 RESIDENT OF VILLA- A6
 ARYA SMART LIVING
 ABHYAPUR
 NORTH GUWAHATI - 78103



Advocate for the Petitioner : MR. K N CHOUDHURY, MR D K BHATTACHARYYA, N GAUTAM

Advocate for the Respondent : SC, CO OP, J PEGU (FOR CAVEATOR), MR A KAKOTI (FOR CAVEATOR)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25-09-2025

Heard Shri K. N. Choudhury, learned Senior Counsel assisted by Shri D. K. Bhattacharyya, learned counsel for the petitioners, who has put to challenge an order dated 10.09.2025 passed by the Registrar of Cooperative Society whereby the AGM dated 28.09.2024 has been dissolved and a One Man Committee has been appointed.

It is the case of the petitioners that in respect to the 5th AGM held on 28.09.2024, there were certain complaints which had culminated in an order dated 23.05.2025 passed by the Registrar of Cooperative Societies directing to convene a fresh AGM on the issues raised in the complaint. However, the complainant had thereafter filed a review on 25.06.2025. The review was withdrawn and fresh complaints were filed leading to the passing of the impugned order dated 10.09.2025. It has been submitted that the two issues on which the complaints were raised are erroneous and do not require any further consideration.

Let **notice** be issued, returnable on **30.10.2025**.



Shri S. K. Talukdar, learned Standing Counsel, Cooperative Department accepts notice for the respondent nos. 1, 2, 3 & 4; Shri S. Borthakur, learned counsel accepts notice on behalf of the respondent nos. 5 to 20 (caveators).

Extra copies of the writ petition be served upon the learned counsel for the respondents within 2 (two) days.

Shri Choudhury, learned Senior Counsel prays for an interim order.

The same is however resisted by the learned counsel for the respondents by submitting that the impugned order dated 10.09.2015 has already been given effect to and the One Man Committee had taken over charge. This Court has also noticed that on 19.09.2025, certain order has also been passed by the One Man Committee.

In view of the above, this Court is not inclined to stay to pass a blanket stay on the impugned order dated 10.09.2025. However, it is directed that till the next returnable date, no elections of the society in question be held.

JUDGE

Comparing Assistant

