

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2442 of 2016

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Saur Primary Agriculture Credit Cooperative Society, Sabaiya through its Chairman, namley Muneshwar Prasad Singh, son of late Lakhan Singh, resident of Village-Sabaiya, P.S + Block- Warsaliganj, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The District Magistrate, Nawadah.
3. The Registrar, Co-operative Officer, Nawadah.
4. The State Food Corporation through its Managing Director, Bihar, Patna.
5. The District Manager, State Food Corporation, Nawadah.
6. The Nawadah Central Co-operative Bank Ltd. through its Managing Director.
7. The Branch Manager, the Nawadah Central Co-operative Bank Ltd. Nawadah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. Mani Kant Mishra, GP-25

For the respondent-Bank : Mr. Purushottam Jha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-03-2016 Heard Mr. Arun Kumar, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Purushottam Jha, learned counsel appearing for the Bank.

The petitioner is aggrieved by the action of the respondent-Bank of deducting interest @ 11% from the amount released by the Bihar State Food and Civil Supplies Corporation in favour of the society through the account maintained by the petitioner in the respondent-Bank. The grievance of the petitioner is that this interest is not chargeable since the delay is attributable to the Corporation.

There is no counter affidavit on behalf of the State.

Mr. Purushottam Jha, learned counsel appearing for the Bank with reference to a circular of the Bihar State Cooperative Society Bank has submitted that whereas the respondent-Bank receives finance from the State Cooperative Bank @ 9.5% interest, it extends loan @ 11 % which is payable by the loanee concerned including the petitioner-Society. He submits that since the cash credit facility is extended on such basis hence the interest has been realized by the respondent-Bank on the money transmitted to the petitioner-Society by the Corporation.

Although Mr. Arun Kumar, learned counsel appearing for the petitioner while questioning the right of the Bank to charge interest has submitted that the delay being attributable to the Corporation, the petitioner-society cannot be held liable but in my opinion this is a dispute in between the petitioner-Society and the respondent-Bank touching the business of the society and is fully covered under the purview of section 48 of the Bihar Cooperative Societies Act, 1935. The petitioner if so advised shall be at liberty to take recourse to the remedy provided therein.

The writ petition is disposed of.

(Jyoti Saran, J)

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