

Ct. 05
Item No.07
17.06.2022
(Suvendu)

**CPAN 146 OF 2021
In
WPA 23571 of 2018
With
IA No. CAN 1/2019
(Old No. CAN 11729/2019)
(original application not in file)**

**Arati Sudan Panja
Vs.
Khalid Aizer Anwar & Anr.**

Md. Sarwar Jahan
Ms. Sudipta Maiti

.....for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

.....for the DPPG
[In CAN 1/2019(CAN 11729/2019)]

In Re. IA No. CAN 1/2019(Old No. CAN 11729/2019)

One of the petitioners in the batch of writ petitions is before the Court in the present contempt application and also the respondent no. 1 along with other State-respondents in the Recalling Application filed by the Director of Pension, Provident Fund and Group Insurance.

The State-respondent/DPPG in the present Recalling Application prays for recalling of a part of the judgment passed by this Court on 01.05.2019 to the extent of the interest rate at which the amount overdrawn would be returned to the petitioner. The

State-respondent prays that the judgment indicates that the amount will be returned along with interest which could be @ 18% per annum since that was the prayer of the petitioner which should be modified to @ 8% per annum.

Learned counsel appearing for the petitioner submits that the petitioner is a 77 year old lady who received the benefit of the judgment dated 01.05.2019 only in May, 2022. The amount received by the petitioner was Rs. 2, 42, 253/- and that recalling the concerned part of the judgment would in effect entail the petitioner returning a substantial amount of money which was received by her after two years from the date of judgment.

After hearing learned counsel and considering the fact that the petitioner's claim is of 2004 which was actually released in 2022, the Recalling Application is rejected.

This Court is however inclined to modify the judgment to the extent of the interest rate @ 8% per annum along with the overdrawn amount to the other petitioners whose writ petitions were disposed of by a common judgment on 01.05.2019 with WPA 23571 of 2018.

Allowing the claim of interest rate @ 18% per annum to the present writ petitioner should not be treated as a precedent in other matters.

The Recalling Application being CAN 1/2020 (CAN 11729/2019) is disposed of accordingly.

In Re. CPAN 146 of 2021

In view of the substantial compliance of the judgment dated 01.05.2019 in respect of the present petitioner, CPAN 146 of 2021 is also disposed of.

(Moushumi Bhattacharya, J.)