

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 214 of 2019**

*(Arising out of order dated 15.01.2019 passed by the Learned Single Judge in  
W.P.(C) No. 2566 of 2018)*

- Gopal Das S/o Khairajmal Aged About 54 Years R/o Ganj Road Navapara Tahsil Rajim District Gariyaband Chhattisgarh.

**---- Appellant**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Cooperative Department, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
2. Joint Registrar Cooperative Societies Raipur Division District Raipur Chhattisgarh.
3. Deputy Registrar Cooperative Societies Raipur Division, District Raipur Chhattisgarh.
4. Indira Grih Nirman Sahkari Samiti Maryadit Through Officer In Charge, Navapara Tahsil Rajim District Gariyaband Chhattisgarh.
5. Chhattisgarh Rajya Sahkari Aavas Sangh Maryadit Through C. P. Yadav, S/o Late C.M. Yadav, Aged About 58 Years, Senior Aavas Supervisor And Office Incharge At Present, Officer Ar C-1, 191 First Floor, Tagore Nagar District Raipur Chhattisgarh.

**---- Respondents**

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For Appellant : Mr. Akhilesh Kumar, Advocate.

For Respondents-State : Mr. Siddharth Dubey, Deputy Government Advocate

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**

**Hon'ble Shri Parth Prateem Sahu, Judge**

**Judgment on Board**

**P. R. Ramachandra Menon, Chief Justice**

**17.07.2019**

1. The claim for differential interest, styled as penal interest, due to failure on the part of the borrowers / members of the primary societies because of the default in remitting the monthly instalment (apart from the defaulted instalments + interest) was considered and the position was answered in favour of the persons like the Petitioner herein by the Departmental Authorities and also by the Tribunal concerned. This however came to be

interdicted by the learned Single Judge of this Court on filing writ petition by the Disbursing/Financing Authority (Apex Body) the correctness of which was challenged by filing similar appeals by the aggrieved persons. When this matter is taken up for consideration (being a similar appeal), it is brought to the notice of this Court by the learned counsel representing the Appellant that exactly similar question was considered by this Court and stands answered against the Appellant, as per the common judgment dated 17.05.2019. In the said circumstances, the appeal is stated as not pressed.

2. It is dismissed accordingly.

Sd/-  
**(P.R. Ramachandra Menon)**  
**Chief Justice**

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**