

26.07.2021
Item No.-5
Crt.No.11
K.B.

**F.M.A. 330 of 2019
with
I.A. No. CAN 1 of 2017
(Old No. CAN 3744 of 2017)
with
CAN 2 of 2020**

**Ranjit Chandra Dey @ Ranjit Kumar Dey
-versus-
The State of West Bengal and others.**

(Via video conference)

Mr. Rudranil De
Ms. Manasi Roy
... For the appellant.

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
... For the State-respondents.

Mr. Rudranil De, Learned Counsel with Ms. Manasi Roy, Learned Advocate, appears for the appellant. Mr. Soumitra Bandyopadhyay, Learned Government Advocate along Mr. Subhasis Bandyopadhyay, Learned Advocate, appears for the State-respondents.

Learned State Counsel produces a Report through Affidavit of the District Magistrate, Alipurduar/the Respondent No.2 to this appeal.

From the Report it transpires that the principal claim of the appellant amounting to Rs.1,36,680/- (Rupees One lakh thirty six thousand six hundred eighty only) has been disbursed *vide* cheque no.533678 drawn on the State Bank of India dated 16th July, 2021. Copies

of the documents showing disbursement as well as the copy of the cheque are enclosed with the Report.

Although Mr. De raises a claim to interest against the principal amount, such claim cannot be strictly adjudicated in this appeal, since the claim to interest and the argument against award of interest are matters which may require evidence be taken.

In the above view of the matter, neither this appeal nor this application are detained further.

FMA 330 of 2019 with its connected applications, **being CAN 1 of 2017 (Old No. CAN 3744 of 2017)** and **CAN 2 of 2020** stand accordingly **dismissed**.

There will be no order as to costs.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)