

19.02.2021

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W.P.A. 1192 of 2021

Ashok Sarkar
Vs.
The State of West Bengal & ors.

Mr. Avishek Prasad
Ms. Ankita Dey
... for the petitioner

Mr. Srijan Nayek
Mr. Ankit Sureka
Mr. Partha Sarathi Pal
... for the State

Mr. Harish Chandra Talwar
... for the respondent no.5

The grievance of the petitioner is directed against the certificate proceeding initiated by the Dakshin Dinajpur District Cooperative Agricultural and Rural Development Bank being the respondent no.4 herein.

It appears from the petition that the petitioner had obtained a loan from the aforesaid Cooperative Bank and subsequently defaulted in making payment. Thereafter proceedings were initiated by the respondent-bank, which culminated in the certificate dated 7th February, 2018 for recovery of a sum of Rs.12,52,767/- from the petitioner.

In the present proceeding initiated by the petitioner, the petitioner is seeking interference with the aforesaid certificate proceeding.

Counsel appearing on behalf of the respondent-Bank submits that in view of a decision passed in W.P.19237(W) of 2015 (Subrata Roy Vs. The Raniganj Central Co-operative Bank Limited & ors.), the instant petition is liable to be dismissed on the ground that the same is not maintainable and the petitioner has an effective efficacious alternative remedy available to him.

I have heard the parties. On the aspect of maintainability, I dismiss this petition on the ground that the petitioner has an effective efficacious alternative remedy. There are no exceptional grounds made out warranting interference by this Court.

In view of the decision rendered in Subrata Roy Vs. The Raniganj Central Co-operative Bank Limited & ors. (W.P.19237(W) of 2015), I am not inclined to entertain this petition.

W.P.A 1192 of 2021 stands dismissed.

Urgent certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ravi Krishan Kapur, J.)