

10.08.2022
Item No.4
Court No.6.
AB

M.A.T. 840 of 2022
With
I A CAN 1 of 2022
I A CAN 2 of 2022

The State of West Bengal & Others
Vs
Sk. Golam Dastagir

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Ms. Ipsita Banerjee,
Mr. Suddhadev Adakfor the Appellants.

Ms. Santi Dasfor the Writ Petitioner /
Respondent.

In re : IA CAN 1 of 2022

Affidavit of Service is taken on record.

This is an application for condonation of delay of 45 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

I A CAN 1 of 2022 is, accordingly, disposed of.

In re : MAT 840 of 2022, IA CAN 2 of 2022

In an identical matter, the State had approached the Hon'ble Supreme Court by filing petition for Special Leave to Appeal (C) No.3570 of 2022. The same was disposed of by the Hon'ble Supreme Court by an order dated May 6, 2022, whereby the Supreme Court did not interfere with the order of the Division Bench of this Court and merely clarified that the interest would be payable @ 5% and not at any enhanced rate. A copy of such order is taken on record.

We have heard Mr. Banerjee, learned Senior Standing Counsel at length. He has vehemently argued that no interest is payable to the writ petitioner/respondent. However, we are not convinced. Further, the Hon'ble Supreme Court has also upheld payment of interest in identical facts.

Accordingly, this appeal and the connected application are disposed of by modifying the order of the learned Single Judge to the extent that interest would be payable by the State to the writ petitioner/respondent @ 5% p.a. instead of 'statutory rate' as mentioned in the order of the learned Single Judge. The payment of interest has to be made within six weeks from date.

MAT No.840 of 2022 stands disposed of along with IA CAN 2 of 2022.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)