

1.
01-08-2022
debajyoti
(Ct. no.06)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
Appellate Side**

MAT 821 of 2011

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IA NO:CAN/2/2012 (Old No:CAN/1249/2012)

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CAN/3/2012 (Old No:CAN/1289/2012)

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CAN/5/2014 (Old No:CAN/7342/2014)

Smt. Kalyani Maity (Pradhan) & Anr.

Vs.

State of West Bengal & Ors.

Mr. Samiran Giri

... For the Appellants.

Mr. Tapan Kumar Mukherjee, Sr. Adv.,

Ms. Debdooti Dutta

... For the State.

Mr. Srijan Nayak,

Mr. Biplab Das

... For Respondent Nos.3 to 5.

By consent of the parties, the appeal and the connected applications are taken up together for hearing.

Read order dated July 20, 2022.

Mr. Mukherjee, learned Senior Counsel, appearing for the State respondents, on written instructions, submits that the cooperative society in question has gone into liquidation. A Liquidator has been appointed and the liquidation proceedings are pending. He submits that the appellants should make appropriate application before the Liquidator who will act in accordance with law.

We think Mr. Mukherjee's suggestion is reasonable. The Liquidator shall, of course, consider that in view of

delayed payment of the principal amount to the appellants' predecessor-in-interest, the appellants should be entitled to a reasonable amount of interest for compensating them for the delayed payment. As far as the refund of Rs.10,200/- lying in the Savings Account is concerned, the Liquidator should favourably consider the prayer of the appellants for refund of that sum, if the appellants can establish that the sum belonged to the appellant's predecessor-in-interest.

The appellants are granted liberty to make appropriate application to the Assets Disposal Committee or the Liquidator, whichever be the competent authority, functioning from the office of the Assistant Registrar of Cooperative Societies, Purba Medinipur-II Range, Contai within four weeks from date. If such application is made, the Assets Disposal Committee/Liquidator shall dispose of such application by a reasoned order in accordance with law in the light of the observations made in this order.

No useful purpose will be served by keeping the appeal pending. The appeal and the connected applications are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Rai Chattopadhyay, J.) (Arijit Banerjee, J.)