

OD-2

**I.A./GA 1 OF 2022  
With  
APO/9/2022  
IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE**

THE CALCUTTA TRAMWAYS EMPLOYEES CO-OPERATIVE CREDIT  
SOCIETY LIMITED  
VS  
THE STATE OF WEST BENGAL & ORS

**BEFORE:**

The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 7<sup>TH</sup> FEBRUARY, 2022.

**Appearance:**

Mr. Saptangshu Basu, Sr. Advocate  
Mr. S. Bhattacharya, Advocate  
Mr. Abhishek Bhattacharya, Advocate  
....**for appellant/petitioner.**

Mr. Soumya Majumder, Advocate  
Mr. Niladri Bhattacharjee, Advocate  
Ms. Deblina Chatterjee, Advocate  
....**for respondent/WBTC.**

THE COURT:        This appeal is preferred against an order dated January 5, 2022 passed in WPO 56 of 2014. By the said order, the learned Judge merely adjourned the matter for four weeks on the basis of submission made on behalf of the West Bengal Transport Corporation Limited that some of the employees of the Corporation have approached

the corporation authorities for recalculation of their dues and that there is a chance of settlement of disputes by and between the parties.

Mr.Basu, learned Senior Advocate appearing for the appellant submits that the claim of the appellant has been admitted by the Corporation, as is recorded in an order dated August 8, 2018 passed in the same writ petition. In the said order, it is recorded that an Affidavit has been filed on behalf of the State wherein it is admitted that the total outstanding dues of the State/Corporation payable to the Cooperative Society is Rs.18,44,31,319.13 on account of the dues of the employees.

The grievance of the appellant is that in spite of the claim of the appellant being admitted, the writ petition was adjourned for four weeks whereby payment of the appellant's dues stand delayed for no reason.

Mr.Majumder, learned counsel appearing for the Corporation submits that an amount of Rs.17,45,73,592 has already been paid to the Cooperative Credit Society. The outstanding claim is on account of interest which is disputed by the Corporation.

We have heard the learned counsel for the parties. We have great doubts in our mind as to whether the impugned order is an appealable order. However, since the appellant says that its claim is admitted and there is no question of settlement as such, without going into the question of maintainability of the appeal, we dispose of the appeal and the connected application by requesting the learned Judge to dispose of the writ petition as early as the business of the court may permit

The allegations made in the stay petition filed in this appeal against the Advocate-on-record of the Corporation are deemed to be withdrawn by the appellant.

Since no affidavits has been called for, the allegations in the stay petition are deemed not to be admitted by the respondents.

APO No. 9 of 2022 along with G.A.2 of 2022 is, accordingly, disposed of.

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(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)

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AR(CR)