

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6711 OF 2018

Vani Nirmalya Das and others* *Petitioners

Mr. Ranjan Kumar Rout, Advocate

-versus-

***Registrar, Cooperative Societies,* *Opp. Parties*
Bhubaneswar and others**

Mr. Ashis Mishra, Advocate
on behalf of Mr. Sidhartha Das, Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
01.12.2022**

Order No.

26. 1. This matter is taken up through hybrid mode.
2. Although the writ petition is listed for consideration of interim applications, on consent of learned counsel for the parties, the same is taken up for final disposal.
3. The Petitioners in this writ petition seek to assail the demand notice dated 11th August, 2017 (Annexure-10) passed by the Principal Officer-cum-A.R.C.S., Cuttack City Circle, Cuttack under Rule 99 of the Odisha Co-operative Societies Rules, 1965 (for short 'the Rules') and also assail the sale notice dated 10th March, 2018 (Annexure-12).
4. Mr. Rout, learned counsel for the Petitioners, at the outset, submits that by efflux of time, the sale notice under Annexure-12 has become infructuous and the Petitioners do not want to press the same. He, however, submits that demand notice of Rs.7,51,134/- as on 31st March, 2006 is not in consonance with the award passed by the Arbitrator-cum-

Inspector of Co-operative Societies, Cuttack City Circle, Cuttack dated 27th April, 2006 under Annexure-B/1 in Dispute Case No.466 of 2002.

5. In course of argument, Mr. Rout, learned counsel for the Petitioners submits that vide order dated 15th March, 2019, this Court directed learned counsel for the Opposite Party No.3-Bank to file loan documents along with an affidavit. Along with the preliminary counter affidavit, filed by the Branch Manager Urban Co-Operative Bank, Cuttack-Opposite Party No.4, the statement of loan account of the Petitioners, as on that date, was submitted. It reveals as under:

PRINCIPAL	360157
INTEREST WITH PENAL	1144208
OTHER CHARGES	115571
EXPECTED LEGAL EXP	50000
TOTAL	1669936
PAYMENT MADE	-1414450
BALANCE	255486

6. It is further submitted by Mr. Rout, learned counsel that the Petitioners are ready to pay the amount together with the interest accrued on the date of liquidation, save and except of other charges of Rs.1,15,571/- and expected legal expenses of Rs.50,000/-. If those two columns are omitted, the Petitioners can clear up the loan amount, strictly in terms of the award passed under Annexure-B/1.

7. Mr. Mishra, learned counsel appearing for the Bank submits that due to non-payment of awarded amount, Execution Proceeding No.71 of 2007-08 is pending before the Principal Officer-cum-A.R.C.S., Cuttack City Circle, Cuttack. The Petitioners may appear before the executing Court and redress their grievance.

8. In view of the rival contentions of the parties, this writ petition is disposed of with a direction that in the event, the Petitioners appear before the executing Court and submits their objection/readiness to clear up the loan amount within a period of fifteen days from the date of calculation, the executing Court shall do well to consider the same strictly in terms of the award dated 27th April, 2006 passed in Dispute Case No.466 of 2002 under Annexure-B/1.

9. Since the dispute case is of the year, 2002, the executing Court shall make an endeavour for early disposal of the same. The Petitioners are also directed to cooperate with the executing Court to clear up the loan amount.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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