

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.15943 of 2022

(Through Hybrid mode)

***M/s. B. and B. Industries,
Sundargarh***

....

Petitioner

Mr. Pabitra Kumar Nayak, Advocate

-versus-

Union Bank of India and another

....

Opposite Parties

Mr.S. K. Dey, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER

24.09.2022

Order No.

04.

1. Mr. Nayak, learned advocate appears on behalf of petitioner and submits, by order dated 2nd December, 2021 made in his client's earlier writ petition [WP(C) no.3097 of 2018], the bank was directed to credit Rs.35,90,500/- in petitioner's cash credit account no.302105040000224. By this writ petition his client claims reverse of interest debited for Rs.5,36,428.60 and interest in the period, in which there was debit of said amount Rs.35,90,500/-.

2. Mr. Dey, learned advocate appears on behalf of the bank and submits, his client has filed counter stating that there has been compliance with direction made in said order dated 2nd December, 2021. That disposed of the writ petition carrying prayer for interest. Constructive res judicata applies. The writ petition should be dismissed. He submits further, the claim for interest and reversal, are both barred by limitation.

3. Contention of the bank may be accepted on omission of petitioner to have prayed for interest on the hearing and adjudication of the earlier writ petition. However, that cannot stand in the way of petitioner's claim to relief of having reversed, the interest debited by the bank for showing an amount outstanding in petitioner's account, the said outstanding amount itself having been reversed. Petitioner has moved Court to enforce his legal right under banking laws. There is no limitation prescribed for such an action.

4. The bank will reverse interest debited at Rs.5,36,428.60 in petitioner's account by appropriate credit entry. This is to be done within two weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS