

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 4275 OF 2022

Sk. Rajab Ali

....

Petitioner

Mr. Anjan Kumar Biswal, Advocate

-versus-

**Dr. Uddhaba Chandra Majhi,
Registrar, Co-operative Societies,
Odisha, Bhubaneswar**

....

Opp. Party

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.09.2022

Order No.

5. 1. This matter is taken up through hybrid mode.
2. This contempt application has been filed alleging non-compliance of the order dated 8th February, 2022 passed in W.P.(C) No. 15052 of 2017, which was disposed of with the following direction:

“12. Thus, the Registrar, Cooperative Societies-Opposite Party No.2 has to consider the application of the Petitioner afresh under the OTS Scheme as at Annexure-6 without applying the disqualifications enumerated in Clause-1(c) of the said Scheme.

13. Accordingly, the impugned order under Annexure-13 is set aside and the Registrar, Cooperative Societies-Opposite Party No.2 is directed to consider the case of the Petitioner afresh under the provisions of the OTS Scheme as at Annexure-6 without applying disqualification in Clause-1(c) of the said Scheme. The entire exercise shall be completed within a period of four months.”

3. It is submitted by Mr. Biswal, learned counsel for the Petitioner that in spite of direction of this Court dated 8th February, 2022, the Registrar, Co-operative Societies, Bhubaneswar did not take any action within the stipulated period

for which the contempt petition has been filed. Considering the submission made by learned counsel for the Petitioner, this Court vide order dated 15th July, 2022 directed learned State Counsel to take instruction in the matter.

4. A compliance affidavit has been filed by the Registrar, Co-operative Societies, Bhubaneswar, wherein it has been stated at paragraph-6 as under:

“6. In order dated 03.03.2017, the OTS claim of the Petitioner was rejected by the Registrar under provision of Clause 1(c)(i) of the OTS Guideline and the said order of the Registrar has been set aside with direction of the Hon’ble Court to consider the case without applying disqualification under Clause-1(c).

In the above circumstances, Sk. Rajab Ali is entitled to the benefit of one time settlement without applying disqualification under Clause-1(c) and the Urban Cooperative Bank Ltd., Cuttack is direction to take further needful action in the matter.”

5. Mr. Biswal, learned counsel for the Petitioner further submits that the Registrar, Co-operative Societies, Bhubaneswar ought to have allowed the application of the Petitioner and settled his loan account under OTS Scheme. Instead, the Registrar, Co-operative Societies, Bhubaneswar holding that the Petitioner is entitled to the benefit of one time settlement without applying disqualification under Clause-1(c) of the Scheme directed the Urban Cooperative Bank Ltd., Cuttack to take further needful action in the matter. As such, there will be further delay in disposing of OTS application of the Petitioner.

6. Mr. Mishra, learned Additional Government Advocate submits that the Registrar, Co-operative Societies, Bhubaneswar cannot settle the loan account of the the Petitioner in OTS Scheme. It is the concerned Bank which can take a decision on

the said application in terms of the scheme. Earlier the application for OTS was rejected on the ground that the Petitioner is disqualified under Clause-1(c) of the OTS Scheme. That having been set aside, the Registrar, Co-operative Societies, Bhubaneswar allowed the OTS application and directed the concerned Bank to take further needful action in the matter. As such, the order passed by the Registrar, Co-operative Societies, Bhubaneswar is in compliance to the direction of this Court.

7. In view of the submissions made by learned counsel for the parties, this Court is of the considered opinion that pursuant to the direction of this Court, the Registrar, Co-operative Societies, Bhubaneswar has held that the Petitioner is entitled to the benefit under the one time settlement scheme (OTS). Thus, follow up action has to be taken by the Bank to settle the loan account under the OTS Scheme. It is expected that the Urban Co-operative Bank Ltd., Cuttack without creating any further hindrance and without making any further delay, shall comply with the direction of the Registrar, Co-operative Societies, Bhubaneswar at the earliest.

8. With the aforesaid observation, the CONTC is dropped.

9. As requested by Mr. Mishra, learned Additional Government Advocate, a copy of this order be handed over to him for communication and compliance.

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

(K.R. Mohapatra)
Judge