

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.40749 Of 2021
(Through hybrid mode)**

Diptimayee Das

.... Petitioner

Mr. K. Parida, Advocate

-versus-

Bank of India, BBSR and others

.... Opposite Parties

CORAM: JUSTICE ARINDAM SINHA

**ORDER
18.04.2022**

**Order
No.**

3.

1. Mr. Parida, learned advocate appears on behalf of petitioner. He had, on 12th January, 2022 submitted that his client obtained credit facility from opposite party bank under a scheme of the Prime Minister. The sanction was for Rs.4,00,000/-, out of which subsidy received was Rs.1,00,000/-. He demonstrated that the subsidy was received by the bank, by demand draft dated 12th June, 2009. However, the bank credited the subsidy on 29th December, 2014. Though some amount of accrued interest on the subsidy was also credited on 29th December, 2014, the bank by not reducing the principal amount as on date of receipt of the subsidy, collected excess interest from his client. Hence, the writ petition for relief.

2. There was direction for issuance of notice along with copy of the order, on opposite party no.3. The service was duly made but thereafter on 4th April, 2022, the bank went unrepresented. Order made that day is reproduced below.

“1. Mr. Parida, learned advocate appears on behalf of petitioner and submits, notice was duly issued pursuant to direction in order dated 12th January, 2022, upon opposite party no.3.

2. None appears on behalf of the bank.

3. Petitioner will serve official website copy of orders dated 12th January, 22 and this day upon opposite party no.3, who will endorse acknowledgement of receipt.

4. It is made clear the writ petition will be decided ex-parte against the bank, if they continue to go unrepresented on adjourned date or thereafter.

5. List on 18th April, 2022.”

3. Today Mr. Parida files affidavit of service. In the affidavit there are clear statements that on 11th and 12th April, 2022, petitioner's husband and thereafter petitioner herself went to serve orders dated 12th January, 2022 and 4th April, 2022. Said opposite party refused to accept the order. The statements have been made in the affidavit sworn on 16th April, 2022. Court relies on the statements to be true. Opposite

party no.3 continuous to go unrepresented.

4. Mr. Parida points out from calculation made by his client's chartered accountant, disclosed as annexure-6 in the petition, sum of Rs.29,145.45 was charged as excess interest. Copy of the writ petition was duly served on opposite party no.3 and Court presumes that the entries in said statement are correct, which is why opposite party no.3 has chosen not to appear in Court.

5. Opposite party no.3, through his office, will pay petitioner Rs.29,145.45 and in addition Rs.10,000/- as costs i.e. aggregate Rs.39,145.45 within two weeks of communication of this order.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

