

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**Hon'ble Justice Chitta Ranjan Dash
AND
Hon'ble Justice Partha Sarathi Sen**

**MAT 253 of 2022
With
CAN 1 of 2022**

**Delta Ltd. & Anr.
Vs.
Union of India**

**For the Appellant : Mr. Abhrajit Mitra, Sr. Adv.
Mr. Ghanshyam Pandey, Adv.
Ms. Sneha Singh, Adv.**

**For the Respondent nos. 1 to 3 : Mr. M.M Verma, Adv.
Mr. Ashok Prasad, Adv.**

Last Heard on : 23.03.2023

Judgment on. : 19.04.2023

PARTHA SARATHI SEN, J. : –

1. In this intra-court appeal, the order dated September 07, 2021 as passed in WPA. 3060 of 2020 by the Hon'ble Single Bench of this Hon'ble High Court in a proceeding under the provisions of Article 226 of the Constitution of India has been assailed. By the impugned order, Hon'ble Single Bench allowed the writ petition of the writ petitioner

who is the appellant herein and thereby directed the respondent Nos. 2 & 3 of the said writ petition to take steps for releasing the amount of Rs. 2,57,87,692/- in favour of the writ petitioner but remained silent with regard to prayer of the writ petitioner for payment of interest in favour of the writ petitioner. The appellant/writ petitioner felt aggrieved and thus preferred the instant appeal.

2. We have heard Learned Counsel for the parties at length.

3. Admittedly before the Hon'ble Single Bench, it was averred by the writ petitioner/appellant herein that a sum of Rs. 2,57,87,692/- has been unnecessarily withheld by the respondent authorities despite the fact that the 2470 nos. of bales of jute bag have been consumed by the respondent no.4 herein as have been supplied by the writ petitioner/appellant herein.

4. It is evident from the impugned order that before the Hon'ble Single Bench it was submitted on behalf of the respondent authorities that is Ministry of Textiles have intimated their counsels that an amount of Rs. 2,57,87,692/- has been withheld and the same was directed to be credited in the head of accounts of the writ petitioner/appellant herein.

5. At the time of hearing of this appeal, It has been submitted by Mr. Mitra, Learned Advocate for the writ petitioner/appellant that either before the Hon'ble Single Bench or in this appeal, the respondent authorities failed to assign any cogent and justifiable reason for

withholding the said sum of Rs.2,57,87,692/- for a considerable length of time especially when the 2470 nos. of bales of jute bag had been consumed by respondent no.4 authorities long back. It is thus submitted by Learned Advocate for the appellant/writ petitioner for such unexplained delay, the writ petitioner is entitled to interest which the Hon'ble Single Bench failed to consider.

6. In support of his contention, Mr. Mitra places his reliance upon the following reported decisions :-

i) Union of India vs. Parmal Singh & Ors. reported in **(2009) 1 SCC 618;**

ii) Satinder Singh & Ors vs. Amrao Singh & Ors. reported in **AIR 1961 SC 908;**

iii) Dushyant N. Dalal & Anr. Vs. Securities and Exchange Board of India reported in **(2017) 9 SCC 660.**

7. Per contra, Learned Advocate for the respondents authorities submits that the present appellant has miserably failed to make out a case for getting interest as wrongly claimed. It is submitted that there was no intention on the part of respondents authorities to deprive the writ petitioner from his entitlement which is why the sum of Rs.2,57,87,692/- has been released in favour of the writ petitioner at the earliest opportunity.

8. On perusal of the entire materials as placed before us, it reveals that even after consumption of the goods by the respondent no.4 as supplied by the writ petitioner/appellant herein, there occurred inordinate delay in releasing the sum of Rs.2,57,87,692/- in favour of the writ petitioner/appellant basically on account of red-teppism of the respondent authorities for which the writ petitioner/appellant had to suffer a lot and even he had to approach the Court of Law more than once.

9. In our considered view since writ petitioner/appellant has been deprived of his legitimate dues within a reasonable time for no fault of his own, he is entitled to get simple interest @ 6% per annum with effect from September 19, 2014 till the date of payment on the principles of equity.

10. Accordingly, the instant appeal is hereby allowed with a direction upon the respondent Nos. 2 & 3 to pay simple interest @ 6% per annum on Rs.2,57,87,692/ with effect from September 19, 2014 till the date of actual payment to the writ petitioner/appellant herein and such interest is to be paid within a period of three months from the date of communication of this order.

11. Consequently the order dated September 07, 2021 as passed in WPA. 3060 of 2020 by the Hon'ble Single Bench is hereby modified to the extent indicated above.

12. The instant appeal is thus disposed of. All interim applications are also disposed of.

13. There shall be no order as to cost.

14. Urgent Photostat Certified copy of this judgment, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

I agree.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)