

22.03.2023.
p.b.
Sl. No.129.

WPA 5353 of 2023

Md. Torab Ali & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Md. Shafiul Alam,
Mr. Md. Basir Layek
.....for the petitioner.
Mr. Pradip Kr. Roy,
Mr. Prabir Kr. Ray,
Mr. Joydeep Roy.
.....for the State.
Mr. P. S. Bhattacharyay,
Mr. Saikat Chatterjee.
.....for the respondent no.3.

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned award passed by the arbitrator concerned by which petitioner has been asked to pay the principal amount of loan and interest, on the ground that the interest amount, petitioner has been asked to pay is not justifiable since it covers period during which the bank was not functioning due to which petitioner was not able to pay the instalment.

Learned advocate representing the bank, by an order of this Court dated 15th March, 2023, was asked to take appropriate instruction as to what would be the amount payable by the petitioner after excluding the period during which the bank concerned was not functioning, for the

purpose of calculation of interest. Pursuant to the aforesaid direction of this Court, learned advocate representing the respondent bank submits written instruction issued by the Deputy Registrar of Co-operative Societies on 21st March, 2023, and on perusal of which it appears that total demand payable to the bank by the petitioner after excluding the aforesaid period comes to Rs.5,91,455.09.

Learned advocate representing the petitioner, on instruction, submits that the petitioner is ready and willing to pay the aforesaid amount as indicated herein and prays for not to take any coercive action for recovery of the aforesaid amount on the basis of the impugned award.

Considering the facts and circumstances of this case and submission of the parties, this writ petition being WPA No.5353 of 2023 is disposed of by directing the respondent authority concerned not to take any coercive action of recovery on the basis of the aforesaid impugned award dated 6th February, 2023, on condition that petitioner will pay the aforesaid amount of Rs.5,91,455.09 in two equal instalments and first of such instalment will be paid within 29th April, 2023 and another instalment by 31st May, 2023. In case of any failure or default in paying the aforesaid two instalments within the time stipulated herein, this order will not have any force and the

respondent authority concerned will be free to proceed against the petitioner in accordance with law.

(Md. Nizamuddin, J.)