

Item No. 17
23.06.2023
Court. No. 19
GB

C.O. 1657 of 2023

Aparna Jana & Anr.

Vs.

Balageria Central Cooperative Bank Limited & Ors.

Mr. Manoranjan Jana

...for the Petitioners.

Mr. Madan Mohan Roy

...for the Opposite Parties.

Affidavit-of-service filed in Court today, be kept with the record.

The appearance of the learned advocate in the order dated June 7, 2023 be corrected as Mr. Manoranjan Jana for the petitioners. Department is directed to do the needful.

The petitioners had challenged the demand of the Balageria Central Cooperative Bank on the ground that penal interest had been added to the principal amount. The petitioners did not pay the amount. Hence, Dispute Case No.3/RCS of 2022 was filed. The dispute case was disposed of on February 20, 2023 by the learned Arbitrator, Sri Goutam Dutta, DRCS Cooperation Directorate.

This Court does not find any illegality in the direction of the learned arbitrator as the learned arbitrator found that penal interest has not been calculated. The order does not suffer from perversity. The principal and the simple interest accrued thereon, was directed to be paid.

Mr. Jana, learned advocate for the petitioners submits that the calculations were not provided for, although directed by the learned arbitrator and hence, payment could not be

made. The learned advocate further submits that the amount shall be liquidated by the petitioners in instalments, provided the accounts are supplied to his clients and upon adjustment of any subsidy or other amounts to which the petitioners may have been found to be legally entitled by the bank. Such accounts and necessary documents shall be handed over within two weeks from date of communication of this order and the payment shall be liquidated in three monthly instalments within the following three months from receipt of the accounts. Fraction, if any, shall be added in the last installment.

Failure to pay even one instalment will entitle the bank to execute the order passed.

The order impugned is modified to the above extent. As the order does not suffer from any perversity, interference is not called for.

Accordingly, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)