

24.04.2023
Item No.1
Court No.6.
AB

M.A.T. 1387 of 2012

Sudip Chakraborty & Ors.

Vs

Union of India & Ors.

Mr. Srijan Nayak,
Mr. Biplab Das ...for the Appellants.

Mr. Alok Kr. Banerjee,
Mr. Arunabha Sarkar,
...for the Reserve Bank of India.

Mrs. Swapna Paul ...for the Employees.

Mr. Saptangshu Basu, Sr. Adv,
Mr. Ayan Banerjee,
Ms. Debasree Dhamali
Ms. Riya Ghoshfor the Respondents.

Mr. Prosun Ranjan Gupta, Bar-at-law
Mr. Sourav Roy,
Mr. N. Acharyya,
...for the Revival & Recovery Committee.

Mr. Pradip Kumar Roy,
Mr. Joydeep Roy, ...for the State.

Ms. Chandreyi Alam (Gupta)
.....for the Union of India.

Read order dated April 11, 2023.

Mr. Gupta, learned Chairman of the Revival & Recovery Committee says that almost all the documents, vouchers etc. that were lying with the RRC have been made over to the Assistant Registrar of Cooperative Societies, Howrah. A few other documents including those pertaining to the period, when a Special Officer appointed by this Court was

functioning prior to constitution of the RRC, have not been inadvertently made over to the Assistant Registrar. The remaining documents will positively be made over to the Assistant Registrar within a week from date (31.4.2023). Let that be done.

In our order dated January 16, 2023, wherein we had recorded our opinion that Mr. Heelal should continue as a member of RRC in spite of he having retired from service, we had also recorded that the question of payment of remuneration to Mr. Heelal may be considered on a later date. We have seen from records and as Mr. Gupta, learned Chairman of RRC also says before us, Mr. Heelal has rendered valuable service as a member of RRC. We are of the opinion that similar remuneration, as is being received by the other members of RRC, should be paid to Mr. Heelal for the period after his retirement from service i.e. from the period October 1, 2022. Accordingly, we direct the State Government to pay to Mr. Heelal remuneration for seven months (October, 2022 to April, 2023) at the monthly rate of Rs.20,000/- aggregating Rs.1.40 Lacs. Mr. Roy, learned Advocate appearing for the State Government is requested to communicate this order for payment of remuneration to Mr. Heelal to the appropriate Officer in the Administration within a week from date. Such Officer

shall release payment in favour of Mr. Heelal within four weeks thereafter.

The other two members of RRC appointed by this Court, namely, Mr. Gupta, learned Chairman and Mr. Kashi Nath Ghosh have received their remuneration for the period till the end of March, 2023. Their remuneration for April, 2023 will be paid by the appropriate Officer to whom Mr. Roy will communicate this order within four weeks from the date of communication.

We are conscious of the fact that Reserve Bank of India had rejected the application of the bank in question for licence to carry on banking business. This was way back in 2010. Now that the State Government has come forward to take up the entire responsibility of reviving the bank and has admittedly repaid a number of depositors the aggregate sum of approximately Rs.38 Crores, we are of the view that Reserve Bank should reconsider the issue of grant of banking licence to the cooperative bank in question. For that purpose, fresh application/representation ought to be made to Reserve Bank, which the Reserve Bank shall consider in accordance with law.

The fact that the State Government has now lent its hand for revival of the cooperative bank in question and it will also be in greater public interest that the business of the bank revives, the Reserve Bank should

keep in mind while considering afresh the issue of grant of licence to the bank. The Reserve Bank shall also consider the scheme for rehabilitation of the bank prepared and submitted by RRC.

The State Government shall also ensure that the employees of the bank receive their dues, which they are entitled to in accordance with law.

It may be noted that this Court in an earlier order dated May 18, 2022, had observed as follows:

“One month has elapsed since the last order was passed. This indolent attitude on the part of the Reserve Bank of India and the State is not appreciated. These proceedings are a consorted effort to revive a cooperative bank, which would be in the interest of hundreds of small depositors. It is expected that on the next date, the report of the RBI and the State will be before this Court.”

Mr. Roy, learned Advocate for the State says that the audit of the bank is likely to be completed within a month from date. We record the same. All efforts should be made so that the audit is complete in all respects within a month from date.

We have never treated this litigation to be an adversarial one. The effort of this Court all throughout has been to revive the affairs of the cooperative bank in question in greater public interest. The State has come forward and has pledged full support in that regard. It is expected that all other concerned parties including the Reserve Bank of India shall make

endeavour to revive the business of the cooperative bank in question, in accordance with law.

The Revival and Recovery Committee, that the Court had constituted, stands discharged. We record our gratitude to the members of the Committee for having rendered valuable service.

The order under appeal is set aside.

No useful purpose will be served by keeping the appeal pending.

The appeal being MAT 1387 of 2012 stands, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)