

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

HEARD ON: 22.05.2024
DELIVERED ON: 22.05.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 523 of 2024

With

IA No. CAN 1 of 2024

**The Managing Director, West Bengal Weaver's Co-operative Society Limited
Vs.**

M/S Anand International & Ors.

Appearance:-

**Mr. Sagar Bandyopadhyay
Mr. Soumyajyoti Nandy
Mr. Sayantan Chatterjee
Mr. Gyan Prakash**

..... For the Appellant

**Mr. Madhu Jana
Mr. Rahul Agarwala
Mr. Golam Zaky**

.....For the respondent no.1

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the respondent is directed against an interim direction issued by the learned Single Bench directing the appellant to pay a sum of Rs.96,061/-.
2. Mr. Sagar Bandyopadhyay, learned advocate appearing for the appellant would strenuously contend that the alleged letter, which has been referred to by the learned Single Bench is dated 14th August, 2012 and the writ petitioner did nothing for all these years and as of now, the appellant does not have any record. In any event, the appellant is a State body registered under

the Bengal Cooperative Societies Act, 1940 and prima facie, the writ petitioner has been able to establish that the appellant had assured that Rs.96,061/- would be paid.

3. Apart from that, we note the submissions of the learned advocate for the appellant that affidavit-in-opposition has already been filed in the writ petition in terms of the direction issued by the learned Single Bench.
4. Therefore, we direct the appellant to comply with the direction issued by the learned Single Bench. However, the writ petitioner should file a written undertaking duly signed before the Notary Public that he is receiving a sum of Rs.96,061/- subject to the outcome of the writ petition, which has been directed to be listed for hearing.
5. The payment shall be released within three weeks from the date on which the affidavit of undertaking is filed by the writ petitioner.
6. All points left open.
7. With the above observations/directions, appeal along with the connected application (IA No. CAN 1 of 2024) stand disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)