

32 16.05.2024
AN Ct. No. 01
RP

MAT 839 of 2024
with
IA No. CAN 1 of 2024

Nirmal & Navin Private Limited & anr.
Vs.
Hooghly District Central Cooperative Bank Limited & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Basu
Mr. Rahul Kumar Singh
... For the appellants

Mr. K. J. Yusuf
Mr. Saurav Chowdhury
... For the State

Mr. Ashit Kr. Chakraborty
Mr. Sunanda Mohan Ghosh
... For the respondent no. 1

Mr. Srijan Nayak
Mrs. Rituparna Maitra
Mr. Ankit Sureka
Mr. Biplab Das
... For the respondent no. 2

1. This intra-Court appeal filed by the private respondents is directed against the order dated 25.04.2024 passed in WPA 7961 of 2024. The only ground which is canvassed is whether the Certificate Officer could have exercised jurisdiction under the provisions of the Bengal Public Demands Recovery Act, 1913 without resorting to the civil court and the in filing the execution petition.

2. This contention is largely pitched upon the observations made in a writ petition being W.P. 19177(W)/2018 dated 03.10.2018. On going through the order in its entirety, we find that the learned writ court did not restrict the execution proceedings should only be

through the civil court and not by any other proceedings, in fact the bank was directed to take suitable steps in consultation with the Registrar of Cooperative Societies

3. Therefore, it appears that a proper consultation and proper advice was rendered and the matter was moved before the Certificate Officer after following due process. The learned Single Judge noted the factual position that there are serious allegations of fraud and forgery committed by the appellant.

4. Thus, we find no grounds made out to interfere with the impugned order passed by the learned Single Judge and the appeal stands **dismissed**. It will be well open to the appellant to initiate proceedings, if aggrieved, by the order passed in accordance with law. Consequently, the connected application also stands dismissed.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)