

12
27.03.2024
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26245 of 2022

Tamanna Hossain
Vs.
Indian Bank & Anr.

Mr. Barun Kumar Sengupta
... for the petitioner

Mr. Shiv Mangal Singh
...for the respondent-Bank

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner contends that the petitioner entered into a One Time Settlement (OTS) with the respondent-Bank. Accordingly, the petitioner submitted the full amount. Pursuant to such payment, on January 14, 2021, the Chief Manager of the respondent-Bank issued a communication to the petitioner indicating that the Bank had received the full amount of compromise settlement, that is, Rs.4,00,000/- on November 29, 2019 and further indicating that No Dues Certificate will be issued to the petitioner subject to settlement of claim process which is pending at CGTMSE.
3. The petitioner has written several representations to the Bank for release of such No

Dues Certificate, but to no avail. It is contended that unless the No Dues Certificate is immediately issued to the petitioner, the Stage Carriage Permit granted to the petitioner and renewed up to April 03, 2024 will lapse, thereby creating undue hardship and loss of business to the petitioner.

4. Learned counsel appearing for the Bank, in his usual fairness, does not take an adversarial approach but submits that the Bank is agreeable to issue the No Dues Certificate in favour of the petitioner, subject to the settlement of the clam process pending before the CGTMSE.

5. It is required to be made clear here that the settlement of the Bank's claim at the CGTMSE does not concern the interrelationship between the Bank and the petitioner. As the petitioner has already paid the full settlement amount in terms of the OTS entered into with the Bank, the Bank is duty bound to issue the No Dues Certificate to the petitioner. Of course, the issuance of No Dues Certificate by the Bank shall not prejudice the rights of the Bank to pursue its claim process with the CGTMSE in any manner whatsoever.

6. Keeping in view the fact that the petitioner's Stage Carriage Permit will expire soon and unless the No Dues Certificate is issued to the petitioner with utmost haste, the petitioner will suffer

irreparable injury, W.P.A. No. 26245 of 2022 is allowed, thereby directing the respondents to issue the No Dues Certificate with regard to the OTS between the petitioner and the respondent-Bank positively within 48 hours from now.

7. It is reiterated that nothing in this direction shall prejudice the claim of the Bank with the CGTMSE.

8. Both parties shall act on the basis of the communications by the learned advocates and/or server copy of this order for the purpose of compliance.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)