Item No.22
19.06.2024
Court. No. 2
GB

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

W.P.A. 1102 of 2024

Uday Sankar Biswas
VS
Union of India & Ors.

Mr. Anirban Banerjee
... for the Petitioner.
Mr. Sudipto Kumar Mazumdar,
Mr. Sourab Kar
... for the UOI.

The petitioner contends that the State Bank of India had incorrectly imposed interest at the rate of 17.25% on the cash credit loan availed of by the petitioner. According to the petitioner, the interest should have been 10.65%.

The learned advocate for the bank submits that the interest rates fluctuate as per RBI guidelines and the petitioner cannot file a writ petition directing the bank to charge a certain amount of interest. Fluctuation of interest rates have also been provided for in the contract between the bank and the petitioner. The loan account of the petitioner has been declared as NPA.

Be that as it may, the petitioner contends that Rs.1,92,000/- had been refunded by the bank due to over charge of the interest amount after the account was declared as NPA.

This Court is not in a position to decide such dispute. The Chief Manager of State Bank of India, Dhupguri Branch shall dispose of the representation dated May 15, 2024 in accordance with law by passing a reasoned order. This order shall not be used by the petitioner as a shield in any proceeding in respect of the NPA.

This order shall not preclude the bank from taking other steps as are available under the law with regard to the account of the petitioner being declared as NPA. The decision with regard to the claim for refund of the excess interest allegedly charged by the bank, shall be taken within a period of six weeks from date.

Accordingly, the writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)