

02.04.2025
Court No. 36
Sl. No. 08
Cp

CPAN 364 of 2022
In
WPA No. 12193 of 2021

Calcutta State Transport Corporation Employees'
Co-operative Credit Society Limited
VS
Mr. Anadi Sankar Chakraborty

Mr. Dhiman Kumar Sengupta,
Ms. Sweta Saha

... for the Applicant.

Mr. Amal Kumar Sen,

... for the Alleged Contemnor.

This is an application alleging contempt of an order dated December 2, 2021, passed in WPA No. 12193 of 2021.

Mr. Sengupta, learned advocate appearing for the petitioner, alleged that this Court had directed the authority to assess the amount payable and pay the same within a period of two months from the date of communication of the order. The contempt application was filed as the authority allegedly did not act in compliance of the order dated December 2, 2021. This Court was satisfied that there was delay. Hence, the alleged contemnor was granted an opportunity to purge the contempt and furnish a calculation together with interest payable. The following calculation has been forwarded and filed in Court:-

"1. Cooperative principal dues was Rs. 71836617.75 as on 31.03.2021 as per observation dated 02.03.2023 of the H'ble High Court, Calcutta.

2. Rs. 61500000.75 out of the above principal dues was paid to Cooperative.

3. Rest Co-operative principal dues is Rs. 10336617 as on 28.02.2025 and which will be repaid by June, 2025 through monthly installment of Rs. 25 Lakh.

4. 6% interest pays by Cooperative on member's deposited Thrift Fund and Guarantee Fund. Accordingly, 6% is taken up for consideration towards calculation of interest on co-operative dues.

5. Payable Interest comes to Rs. 52093283/- during the period from 01.04.2013 to 31.03.2021 and Rs. 13109100/- for the period from 01.04.2021 up-to 28.02.2025,

6. Total payable interest is Rs. 65202383/- (Rs.52093283+Rs. 13109100) during the period from 01.04.2018 to 28.02.2025.

7. Calculation sheets (9 copies) of interest are enclosed herewith for consideration.

8. Outstanding balance of Rs. Rs. 65202383/- as interest payable will be repaid @ Rs. 25,00,000/- per month from 01.07.2025 till August, 2027."

Mr. Sengupta submits that interest @ 6% should not be the correct calculation and interest @ 12 % must be allowed. He relies on provisions of the West Bengal Cooperative Societies Act, 2006.

Having considered the order dated December 2, 2021, this Court finds that the order of this Court did not contain any direction with regard to the payment of interest at all. On account of delay, the alleged contemnor has himself calculated the principal amount payable along with 6% interest and submitted that the principal dues of

Rs.10336617/- will be paid within June, 2025 and the interest component of Rs.65202383/-shall be paid @ Rs.25,00,000/- per month from July 1, 2025 till August, 2027.

Substantial amount towards the principal has already been paid. Although, order of this court did not direct payment of interest, but had directed the authority to calculate the amount payable and directed payment of the same, the authority has also included the 6% interest over and above the principal. Hence, the court does not deem fit to keep the contempt application, pending. The court does not find any willful and flagrant violation of the order of the court.

Under such circumstances, the contempt application is disposed of, upon accepting the report filed by Mr. Sen, learned advocate appearing for the alleged contemnor.

The issues raised by Mr. Sengupta with regard to non-payment of interest at the rate prescribed by the concerned statute is left open to be urged in an appropriate proceeding before the appropriate forum. Although, Mr. Sen denies the applicability of the said statute, these issues are inconsequential for disposal of the contempt application as the petitioner has been granted liberty to approach the appropriate forum, in accordance with law.

The contempt proceedings are dropped with the undertaking as submitted by Mr. Sen appearing on behalf of the alleged contemnor in the form of a statement of facts with all calculations and dates of payment, as quoted hereinabove.

(Shampa Sarkar, J.)