

28.01.2025
Item No.37
Ct. No. 30
Aloke

WPA 7198 of 2019

**M/s. Bishnu Industries
Vs
Bankura District Central Cooperative Bank Ltd. &
Anr.**

Mr. Malay Kr. Roy
Mr. Krishna Kanta Sarkar
Mr. Arkaprabho Roy
... for the petitioner

Mr. Ashit Kr. Chakraborty
Mr. Sunanda Mohan Ghosh
... for the respondent nos. 1 & 2

1. The present writ application of the year 2019 has been preferred praying for setting aside of the notice dated 16th February, 2019.
2. By the said notice dated 16th February, 2019 a demand notice was issued by the respondent/cooperative bank.
3. A loan had been sanctioned in favour of the petitioner and there has been subsequent default.
4. The matter was adjudicated by the Arbitrator and an order dated 11.06.2009 was passed with the direction that the total decretal amount would carry an interest at the rate of 6% per annum from 12.03.2009 till realization.
5. The contention of the petitioner is that the mill started with the said loan has now become a sick unit and, as such, the loan could not be repaid.
6. It is further submitted that an amount of about Rs.2,50,000/- has been deposited with the bank

as security and if a direction for recovery is made then the said amount along with interest accrued be adjusted against the said outstanding amount.

7. Heard the learned counsel for the parties.

8. Considering the materials on record, the writ application is disposed of with the direction that the petitioner shall pay the decretal amount as adjudicated by the learned Arbitrator which shall carry an interest at the rate of 6% per annum till realization. 9.

It is further directed that the respondent/cooperative bank shall adjust the security deposit along with interest accrued therein against the said outstanding decretal amount and the said amount may be repaid in any easy instalments, which may be granted by the respondent/bank who shall consider the financial condition of the petitioner sympathetically.

10. The present writ petition stands disposed of.

11. There will be no order as to costs.

12. All connected applications, if any, stand disposed of.

13. Interim order, if any, stands vacated.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)