

08.04.2025
Item No.40
Court No.551
Avijit Mitra

WPA 28071 of 2024

X (Redacted)
- Versus -
State of West Bengal & ors.

Mr. Debanjan Sen (through virtual mode),
Mr. Sumalya Chakraborty
...for the petitioner
Mr. Amal Kumar Sen, Id. A.G.P,
Mr. Lal Mohan Basu
...for the respondent no.1
Ms. Soma Chowdhury Bandhu
...for the respondent nos. 2 and 3

Affidavit-of-service filed today be kept with the record.

The writ petitioner is aggrieved by non-payment of the compensation that was directed to be paid to the petitioner by an order dated May 17, 2022 passed in Victim Compensation Appeal No.SLSA-08-2020 by the appellate authority under Section 10 of the West Bengal Victim Compensation Scheme, 2017. The said appeal had been preferred against the order dated December 03, 2019 passed by the Secretary, District Legal Services Authority, 24 Parganas at Alipore in Victim Compensation Case No.40 of 2019 whereby compensation to the tune of Rs.3,00,000/- (Rupees Three Lakh) had been ordered to be paid to the petitioner. The said appeal was allowed in part and the order impugned in the said appeal was set aside.

By the said appellate order, the appellant was held to be entitled to compensation to the tune of Rs. 4,00,000/- (Rupees Four Lakh). The said order specifically directed the *‘Registrar-cum-Deputy Secretary, State Legal Services Authority, West Bengal to ensure that the process of disbursal is completed within 30 days of this order subject to availability of fund and subject to correctness of all documents’*.

The learned advocate for the respondent nos. 2 and 3 hands up a copy of the instructions given by the said respondents and submits that although steps have been taken for payment of the said sum of Rs. 4,00,000/- (Rupees Four Lakh) in terms of the order dated May 17, 2022 yet, the said amount could not be credited to the bank account of the petitioner due to mismatch of IFSC code.

The respondents submit that in case the petitioner furnishes the correct account number and the other details along with IFSC code, the respondents would transfer the aforesaid sum to the account of the petitioner forthwith. Let the copy of the instructions, as produced, be kept with the record.

It is unfortunate that a victim of severe brutality has been left to languish and even the compensation granted to her in the second round of litigation has not yet reached her.

The petitioner has also prayed for awarding interest. It is submitted by the learned advocate for the petitioner that the petitioner would be entitled to interest from the date of the original order passed by the District Legal Services Authority i.e. December 03, 2019. Such submission is quite appreciable but unfortunately in view of the wordings of the appellate order that directs payment to be made within 30 days from the date of the order, interest cannot be granted from December 03, 2019. However, since the right of the petitioner to be compensated in terms of the appellate order dated May 17, 2022 accrued to the petitioner on the date of the appellate order and 30 days' time had been allowed for making such payment, therefore in the considered view of this Court the petitioner will be entitled to interest over the said sum of Rs. 4,00,000/- (Rupees Four Lakh) awarded to the petitioner as compensation on and from June 16, 2022 till the date of actual payment thereof.

It is therefore directed that the respondents shall pay interest @ 9% per annum on the said sum of Rs. 4,00,000/- (Rupees Four Lakh) from June 16, 2022 till the date of actual payment thereof to the petitioner.

The petitioner shall within a week from the date furnish to the Respondent Nos.2 and 3, the details of the Bank account in which the petitioner desires the amount of Rs. 4,00,000/- (Rupees Four Lakh) awarded as

compensation along with interest @ 9% per annum thereon as directed by this Court to be credited.

Forthwith, upon receipt of the said account details of the petitioner, the respondents shall credit to the said account of the petitioner the aforesaid sum of Rs.4,00,000/- (Rupees Four Lakh) together with interest @ 9 % p.a. thereon calculated from June 16, 2022 till the date of actual payment thereof.

WPA 28071 of 2024 is disposed of with the aforesaid observations.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Om Narayan Rai, J.)