

13.05.2026
Item No.113 (ML)
Court No.12
Cp

MAT 1006 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

M/s. Sri Bishnu Industries represented
by Bishnu Prosad Khandelwal
Vs.
Bankura District Central Co-operative Bank Ltd. & Anr.

Mr. Malay Kumar Roy
Mr. Arkaprabho Roy

...for the Appellant.

Mr. Ashit Kr. Chakraborty
Mr. Sunanda Mohan Ghosh

.....for the respondents.

1. CAN 1 of 2025 is an application for condonation of delay of 123 days in preferring the appeal. Considering the averments made in paragraphs 3 to 7, we are satisfied that the delay has been sufficiently explained.
2. Accordingly, the delay is condoned.
3. CAN 1 of 2025 is accordingly allowed, and disposed of.
4. The appeal is regularized.
5. We do not find any reason to interfere with the order impugned. The petitioner suffered an award under the provisions of the Cooperative Societies

Act. The petitioner allegedly preferred an appeal before the tribunal, but the records do not reveal that the award has been set aside by the tribunal.

6. In the meantime, a demand notice was issued by the respondent, demanding payment as per the award. The petitioner challenged the said demand notice before the writ court. The learned Single Judge recorded that the matter was adjudicated by the learned arbitrator, which culminated in an award. It was also directed in the award that the decretal amount would bear an interest of 6% p.a. from March 12, 2009.
7. The contention of the appellant before the learned writ court was that a sum of Rs.2,50,000/- had been deposited with the bank as security and the said amount should have been adjusted with the outstanding dues. Considering the materials on record, the writ petition was disposed of, with a direction upon the appellant to pay the decretal amount upon adjustment of the security deposit. Her Lordship also directed grant of easy instalments, considering the financial hardship of the appellant.
8. The grievance of the appellant is that, the award suffers from various irregularities. The award should have been passed upon adjusting the

amount of fixed deposit and other deposits lying with the bank.

9. In our view, this question will have to be decided by the appropriate forum. The writ court can only entertain any challenge to a proceeding on limited grounds, namely, violation of the principles of natural justice or error apparent on the face of records or violation of fundamental rights.
10. In this case, the writ court's consideration was restricted to the demand notice. The writ court found that the demand notice was raised by the respondents pursuant to the award. The appellant has not been able to demonstrate before us that, the award has either been set aside or modified by the tribunal or any other superior forum. Although submissions have been made that the award has been challenged in the tribunal, we still do not find any document to show that the challenge to the award was at all entertained or is pending. In our view, the award has attained finality.
11. Under such circumstances, we do not find any error in exercise of jurisdiction by the learned writ court.
12. Accordingly, the appeal is dismissed and the connected application being CAN 2 of 2025 is disposed of.

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

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)