

HIGH COURT OF SIKKIM

Record of Proceedings

W.P.(C) No. 17/2016
Kulman Mukhia vs. State of Sikkim & Ors.

THE HIGH COURT OF SIKKIM : GANGTOK
(Civil Extra Ordinary Jurisdiction)

CORAM: HON'BLE THE CHIEF JUSTICE

W.P. (C) No. 17 of 2016

Shri Kulman Mukhia
S/o Late Padam Bahadur Mukhia,
Residence of Chakung,
P.O. & P.S. Soreng
West Sikkim.

... **Petitioner.**

versus

1. State of Sikkim
Through the Chief Secretary
Government of Sikkim
Gangtok, East Sikkim.
2. Sikkim Scheduled Castes, Tribes &
Other Backward Classes Development
Corporation Ltd.
Through Managing Director (SABCO)
Gangtok, East Sikkim.
3. District Collector,
East District Gangtok, East Sikkim
4. Sub-Divisional Magistrate
Soreng, West Sikkim.

... **Respondents.**

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Appearance:

Mr. B. Sharma, Sr. Advocate with Mr. Bhola Nath Sharma, Advocate for the Petitioner.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Thinlay Dorjee Bhutia, Govt. Advocate and Ms. Pollin Rai, Asstt. Govt. Advocate.

ORDER (ORAL)

(25.04.2018)

Satish K. Agnihotri, CJ

The petitioner stated to be an agriculturist by occupation has taken a loan of Rs.1,74,000/- from the second respondent. The petitioner failed to refund the amount in terms of the agreement. The petitioner has come up with this petition seeking for a direction, *inter alia*, to pass such order and direction/s to the petitioner to make the payment of principal dues on simple installment after waiving the interest in its entirety and/or as in terms of order/ orders or directions passed by this Hon'ble Court levying simple interest.

Having examined all facets of the matter, the second respondent has fairly come up with a solution stating that the simple interest @ 6% will be charged in following terms:

"2. The answering respondent considering his application and also considering the matter pending before the Hon'ble Court conducted a Board Meeting on the 6th day of April, 2018 wherein it was resolved and decided that out of the present outstanding loan amounting to Rs.5,58,257/- (Rupees Five Lakh Fifty Eight Thousand Two Hundred Fifty Seven), a waiver of Rs.3,22,229/- (Rupees Three Lakh Twenty Two Thousand Two Hundred and

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Twenty Nine) only would be granted and the petitioner would be liable to pay a sum of Rs.2,36,028/- (Rupees Two Lakh Thirty Six Thousand Twenty Eight) only calculated on the basis of 6% simple interest. This decision of the Board was communicated to the petitioner vide letter ref. No. 17/SABCCO/2018-19 dated 06.04.2018. A copy of letter dated 6/4/2018 is annexed herewith and marked as Annexure A-1."

Learned Senior Counsel appearing for the petitioner submits that prayer sought for by the petitioner stands satisfied, the petitioner be permitted to sit with the concerned officer together and settle the amount in the line of aforestated statement made by the second respondent.

It is further stated by the learned counsel appearing for the parties that in view of the aforestated agreement, nothing survives for adjudication in this matter.

Thus, the writ petition stands disposed of.

In the event, the petitioner fails to discharge his liability on calculation of simple interest, the second respondent will be at liberty to take appropriate steps as per law.

Chief Justice

25.04.2018

jk/pm Index : Yes / No
Internet : Yes / No