

২৩-০৩-২৩, ২৩-০৪-২৩, ২৭-০৩-২৩, ২৭-০৩-২৩

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 17792 OF 2017

IN THE MATTER OF

An application under Article 102 of
the Constitution of the People's
Republic of Bangladesh

-AND-

IN THE MATTER OF:

Antim Knitting, Dying & Finishing
Limited

... Petitioner

-Versus-

Bangladesh Bank and others

... Respondents

No one appears

.....For the petitioner

Mr. Shaikh Mohammad Zakir Hossain

..... For the respondent No. 4

Heard on 27.11.2022

Judgment on 06.12.2022

Present:

Mr. Justice J.B.M. Hassan

and

Mr. Justice Razik-Al-Jalil

J.P. M. Hassan, J.

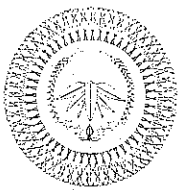
By filing an application under Article 102 of the Constitution
the petitioner obtained the Rule Nisi in the following terms:

“Let a Rule Nisi be issued calling upon the
respondents to show cause as to why the respondent

Nos. 2-5 shall not be directed to allow the petitioner
to adjust the principal loan amount i.e. Tk.1,1799

JK

স্বাক্ষরিত: ০৬ ডিসেম্বর ২০২২



crore within 1(one) year without any interest and/or pass such other or further order or orders as to this Court may seem fit and proper.”

At the time of issuance of the Rule Nisi this Court also passed an interim order directing the respondents in the following terms:

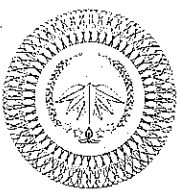
“The respondents No. 2-5 are directed to allow the petitioner to adjust the principal loan amount i.e. Tk.1.1790 crore within 1(one) year by waivering up to date interest in respect of loan account and also the respondents are directed to release the mortgage property after receiving the said principal loan amount.”

Against the said order the respondent-bank filed Civil Petitioner for Leave to Appeal No. 742 of 2018 wherein the ad interim order was stayed till disposal of the Rule.

The petitioner availed credit facilities from the respondent-bank, namely, Sonali Bank Limited, Bangabandhu Avenue Corporate Branch, Dhaka and ultimately the petitioner failed to repay the same with uptodate interest and filed the instant writ petition and obtained the instant Rule.

No one appears to represent the petitioner when the matter is taken up for hearing.

R/K



Mr. Shaikh Mohammad Zakir Hosain, the learned Advocate for the respondent-bank submits that in the meantime the liabilities stand at about three crore.

We have gone through the materials on record including the writ petition.

Under writ jurisdiction there is no scope to waive interest by exercising authority under Article 102 of the Constitution. Hence, it is a misconceived writ petition.

In the result, the Rule Nisi is discharged, without any order as to costs.

Communicate a copy of the judgment and order to the respondents.

J.B.M. Hassan

Razik-Al-Jalil, J.

I agree.

Typed by: Shamim. 23.03.2023
Read by: *[Signature]* 23-3-23
Exam. by: *[Signature]* 23-03-23
Readied by: *[Signature]*

এতায়িত্ত জাজিক এতিলিপি

[Signature] 27-03-23
সহকারী রেজিস্ট্রার
আওয়ালেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(১৮৭২ ইং সনের ১নং আইনের
৭৬ ধারামতে ক্ষমতা প্রাপ্ত)

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27-03-23
সিটিপ কুমার সূত্রধর
সুপারিনটেন্ডেন্ট

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27-03-23
সিটিপ কুমার সূত্রধর
সুপারিনটেন্ডেন্ট