



2023:CHC-AS:24341-DB

19.09.2025
Court No.13
Item No. 9
AP/sp

FMA 816 of 2019
With
CAN 5 of 2025
THE CHAIRMAN, AIRPORT AUTH. EMPL. CO-OP
HOUSING SOC. & ANR.
Vs.
GOVT. OF West Bengal & ORS.

Mr. R. Guha Thakurta,
Ms. S. Sengupta.

... For the applicant.

Mr. Srijan Nayak,
Ms. Rituparna Maitra.

... For the respondent no. 2.

Mr. D. Banerjee,
Mr. Aniruddha Ganguly,
Mr. H. Shahid.

... For the respondent nos. 3 and 4.

1. Challenge in the instant appeal is an order dated 28th August, 2017 passed by a Single Bench of this Court. By reason of the said order the Single Bench has held that the Airport Authority Employees Cooperative Housing Society Limited cannot charge penal interests on delayed payment by 2 members for allotment of a flat unit without amending the bylaws.

2. The society was granted liberty to amend the bylaws. An application has been filed for leave to appeal by the then Secretary of the Society. He has since demitted office

3. It is submitted by the learned counsel for the Secretary that steps are being taken to dispense with the claim for penal interest against the 2 private respondents.



Two flats have already been registered in the name of the two private respondents. There are no instructions from any of the counsel as to whether bylaws of the Society has been amended. The Society is not represented.

4. In view of the submissions of the learned counsel for the proposed appellant that the Society is taking steps to settle the matter amicably and not demand penal interest from the two writ petitioners, this Court is of the view that the appeal may be disposed of.

5. The aforesaid orders made in the peculiar facts and circumstances of the case with a view to put an end to all disputes and differences in the Society and ensure peaceful existence of the residents thereat.

6. Leave is granted to the applicant Prabir Kumar Patra to prefer the instant appeal. He is added as a party respondent to the writ petition.

7. Since the other persons who have been already paid penal interest, have not challenged the impugned order, there is serious doubt as to whether the appellant can espouse the cause of other members who paid the penal interest.

8. With the aforesaid observations, FMA 816 of 2019 shall stand disposed of.



9. Consequently, CAN 5 of 2025 shall also stand disposed of.

10. The order of the learned Single Bench shall stand modified as above.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)