

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

WRIT PETITION NO. 10175 OF 2022

IN THE MATTER OF

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

-AND-

IN THE MATTER OF:  
Ramesh Chandra Ghosh

... Petitioner

-Versus-

Bangladesh Bank and others

... Respondents

Mr. ABM Altaf Hossain, Senior Advocate with  
Mr. AHM Anamul Haque, Advocate

.....For the petitioner

Mr. Mahin M. Rahman, Advocate

..... For the respondent No. 3

Heard on 12.11.2023

Judgment on 13.11.2023

Present:

Mr. Justice J.B.M. Hassan  
and  
Mr. Justice Razik-Al-Jalil

J.B.M. Hassan, J:

This Rule Nisi was issued in the following terms:

“Let a Rule Nisi be issued calling upon the respondent  
No. 1, Bangladesh Bank to show cause as to why a  
direction should not be given to exercise its  
jurisdiction as contemplated under sections 45 and  
49(1)(Cha) of the Bank Companies Act, 1991 to

dispose of the petitioner's application dated 18.05.2022 (Annexure-L) in connection with the loan liabilities of the petitioner 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 this Court passed an ad-interim order in the following terms:

"Pending hearing of the rule, let the operation of the CIB report in connection with the loan liability of the petitioner be stayed for 3(three) months from the date subject to pay the entire outstanding loan amount within the period of 6(six) months from the date failing which the Rule shall discharged with the cost of Tk.1,00,000/- (one lac) in favour of the respondent bank."

When the Rule was taken up for hearing Mr. Mahin M. Rahman, learned Advocate for the respondent No. 3 at the very outset filing Affidavit-in-Opposition submits that the petitioner did not comply with the Court's order as directed at the time of issuance of the Rule.

Today, Mr. ABM Altaf Hossain, learned Senior Advocate for the petitioner has appeared at the time of pronouncement of

judgment and he submits that he has instructions from his client not to proceed with the Rule.

We have gone through the writ petition, Rule issuing order along with interim order passed in this Rule.

It appears that the interim order was passed with the condition that on failure to repay the entire outstanding loan amount, the Rule Nisi shall be discharged with cost of Tk.1,00,000/- (one lac) in favour of the respondent bank.

Since the petitioner did not comply with the said order, the Rule Nisi is discharged with cost in terms of Rule issuing order.

The petitioner is directed to pay the cost of Tk.1,00,000/- (one lac) in favour of the respondent bank within 2(two) months from date.

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

Razik-Al-Jalil, J:

I agree.