

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

Present

Mr. Justice Sikder Mahmudur Razi

And

Mr. Justice Raziuddin Ahmed

Writ Petition No. 9693 of 2025

Samiha Modern Agro Food and Beverage
.....Petitioner.

-Versus-

Bangladesh Bank, represented by its Governor,
Bangladesh Bank Bhaban, Motijheel C/A, Dhaka
and others.

.....Respondents.

None appears

.....For the petitioner.

Mr. Mohammed Faisal Datagir, Advocate with
Mr. Md. Mohammad Torique Ullah, Advocate

.....For the respondent No. 4.

The 09th December, 2025

This is an application for discharging the Rule for non-compliance of the order of this court dated 23.06.2025.

Mr. Mohammed Faisal Dastagir, learned advocate appearing with Mr. Md. Mohammad Torique Ullah, learned Advocate for the respondent No. 4-applicant bank submits that since issuance of the Rule till 27.10.2025, the petitioner did not make any payment as per the direction of the Court although the petitioner was required to pay Tk.45,00,000/- (Forty Five Lac) only to the respondent bank within 03 months and the rest amount within 12 months by 04 equal installments. Therefore, the learned advocate prays for discharging the Rule.

No one appears to oppose the application although copy of the same was duly served.

We have heard the learned Advocate for the respondent No.4-applicant bank. We have also gone through the application, the Rule issuing order as well as other materials on record.

It appears that the petitioner was directed to pay Tk.45,00,000/- (forty- five lac) only to the concerned Bank within 03 (three) months and the rest outstanding dues within next 12 (twelve) months by 04 (four) equal installments and it was in the order that on failure to comply with the order the Rule shall stand discharged. According to the statement of the respondent No. 4 applicant bank the petitioner failed to comply with the order of this court and as a result, as per terms of the Rule issuing order, the Rule has been discharged. Moreover, the date fixed for holding auction also expired long before.

In view of the facts and circumstances, we are inclined to allow the instant application and accordingly, the same is allowed.

Resultantly, the Rule is discharged for non-compliance of the court's order dated 23.06.2025 with cost Tk. 10,000 (ten thousand). The interim order passed at the time of issuance of the Rule is hereby recalled and vacated.

The petitioner is directed to pay the said amount in the Account being No.4435401017179 (saving account) maintained in the name of the Registrar General & Marshal of Supreme Court of Bangladesh, in default, the respondent bank will charge the said amount in the loan account of the petitioner and upon recovery of the dues will remit the said amount in the account mentioned above.

Communicate the judgment and order to all the concerned, at once.

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(Sikder Mahmudur Razi, J.)

I agree

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(Raziuddin Ahmed, J.)