

HIGH COURT OF SIKKIM

Writ Petition No. 10/2002

Anil Lachenpa,
R/o. Tibet Road,
Gangtok, East District.
Sikkim..

..... Petitioner

Versus

1. The State of Sikkim,
Through The Chief Secretary,
Govt. of Sikkim,
Gangtok.

2. The State Bank of Sikkim,
Having its registered office at
31-A, National Highway,
P.O. & P.S. Gangtok,
East District, Sikkim.

3. The Certificate Officer,
East District of Sikkim,
Gangtok.

..... Respondent.

Coram:

The Hon'ble Mr. Justice Ripusudan Dayal, Chief Justice.

Present : Mr. D. K. Singh, Advocate for the petitioner.

Mr. S. P. Wangdi, Advocate General with Mr. J. B.
Pradhan, Govt. Advocate for respondent Nos. 1 and 3.

Mr. A. J. Sharma, Advocate for respondent No.2.

Date of Decision: 8th July, 2002

JUDGMENT

Dayal, CJ

Respondent No.3, the State Bank of Sikkim filed an application before the Certificate Officer, East District, respondent No.3 under the Sikkim Public Demands Recovery Act, 1988 for a Certificate in its favour against the petitioner for an amount of Rs.59,13,029.22 due up to 30th September, 2001 including interest. Vide Judgment dated 30th March, 2001, the Certificate Officer issued the impugned Certificate dated 30th March, 2001 in Sikkim Public Demand Recovery Case No.180 of 2000. The petitioner

Signature

has challenged the judgment and the certificate issued by the Certificate Officer on the ground that on the enactment of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, which is a Central Act, the Sikkim Public Demands Recovery Act, 1988 has stood repealed. This submission finds support from the judgment of this Court in P. K. Saraswat versus Union of India – AIR 1999 Sikkim 16. Relying upon the decision, I allow the Writ Petition and quash the judgment and certificate dated 30th March, 2001 issued by the Certificate Officer, East District in Sikkim Public Demand Recovery Case No.180 of 2000.

R. Dayal
08.7.2002
(Ripusudan Dayal)
Chief Justice
08.07.2002