

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_

WP(C). No.830 of 2022

Smti. Payel Roy

.....Petitioner

_V_E_R_S_U_S_

The State Bank of India & Another

.....Respondents.

For Petitioner(s)	:	Mr. P. Chakraborty, Advocate.
For Respondent(s)	:	Mr. A.L. Saha, Advocate.
Date of hearing and delivery of judgment and order	:	14.12.2023
Legal reporting	:	YES/NO

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_J_U_D_G_M_E_N_T_O_R_D_E_R_[ORAL]

Heard Mr. P. Chakraborty, learned counsel appears from the office of Mr. Somik Deb, learned senior counsel for the petitioner also heard Mr. A. L. Saha, learned counsel appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for directing the respondents to transmit the records, relevant to the subject matter of this petition for rendering substantive and conscionable justice. Further, to forthwith make payment of the total maturity amount of Rs.12,22115/- (3,65,177/-+8,56,938/-) against the fixed deposit certificates under Account Nos.37804255726 & 38095183672 respectively.

[3] The petitioner has prayed for the following reliefs:

“i. Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner.

ii. Issue Rule, calling upon the official respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing the official respondents, to forthwith make payment of the total maturity amount of Rs.12,22,115/- (3,65,177/-+8,56,938/-), against the Fixed Deposit Certificates, under Account Nos.37804255726 & 38095183672 respectively.

iii. Call for the records appertaining to this petition.

iv. After hearing the parties, be pleased to make the Rule absolute in terms of i. & ii. above.”

[4] The facts in brief are that the petitioner had made 2 Fixed Deposit Accounts, in her name, in the bank, in the year 2018. Out of the said 2 Fixed Deposit Accounts, the date of maturity of the Accounts bearing No.37804255726, of Rs.3,00,000/-, was 10.07.2021, and the other 38095183672, of Rs.7,00,000/-, was 29.11.2021. On 07.09.2021, when the petitioner visited the State Bank of India, Melarmath Branch, for renewal of her fixed deposit certificates, of her Fixed Deposit Account bearing No.37804255726, of Rs.3,00,000/-, the date of maturity being 10.07.2021, she came to learn that an amount of Rs.3.28,000/- was unauthorizedly transferred from her account, without her consent. Pursuant thereto, the petitioner checked her another Fixed Deposit Account, bearing No.38095183672, of Rs.7,00,000/- , the date of maturity being 29.11.2021, and she came to learn that an amount of Rs.6,30,000/- has been fraudulently shown to have been advanced as a loan to the petitioner through a fictitious account, and the petitioner had no knowledge of the same.

[5] Situated thus, the petitioner submitted a Letter to the Branch Manager, Melarmath dated 07.09.2021, inter alia noting that an unauthorized transfer of all the monies from the Fixed Deposit Accounts of the petitioner have been made, using the phone number of the petitioner, whereas the petitioner never shared her card number or OTP to anyone, and requested for refund of the money, but the same evoked no response. Thereafter, ventilating her grievances, the petitioner approached the Officer-in-Charge, West Agartala Police Station on 08.09.2021, and made a General Diary Entry. Since, the Representation dated 07.09.2021 evoked no response, the petitioner submitted a notice to the Branch Manager, State Bank of India, Melarmath on 13.09.2021, inter alia demanding proper explanation of her previous Letter dated 07.09.2021, and praying for causing inquiry into the matter. The petitioner sent various e-mails to the respondents, but the same has evoked no response.

[6] Hence, the present petition has been filed by petitioner before this Court for redress.

[7] In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, the present petition stands disposed of directing the respondent-bank officials to communicate their

stand upon the claim of the petitioner within a period of one month from today. Failing which, the respondent-bank shall be held responsible for all cause and consequence.

[8] In view of above observations, the present petition preferred by the petitioner stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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