

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****Review. Pet. No. 17 of 2022**

Reserve Bank of India

Petitioner**Vs.**

Sorokhaibam Dhanajit Singh; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI****ORDER****19.12.2024*****D. Krishnakumar, C.J. :***

1. Mr. N. Jotendro, learned senior counsel assisted by Mr. Murtaza Ahmed, learned counsel, appears for the petitioner; Mr. Juno Rahman, learned counsel, appears for the respondent No. 4 and Mr. E. Lalleiba, learned counsel, appears for the respondent No. 1.

2. According to the review petitioner, by order dated 05.02.2020 passed in PIL No. 60 of 2018, this Court observed as follows :

“[1] Today, when the matter is taken up, Mr. Julius Riamei, learned counsel for the Administrator referred to an affidavit filed by the respondent No.3 dated 25.9.2019. In para No.11 of that affidavit, it is stated as under:

“11. That, in pursuance of the direction of this Hon'ble Court dated 21.08.2019 the RBI sent its representative, namely Shri Saibal Chowdhury, Manager Department of Co-operative Bank Supervision, RBI, Guwahati to assist the bank from 04.09.2019 to 05.06.2019. On the feedback and suggestions made the said representative of the RBI an Inquiry Committee is instituted to find out:

“a) Case of misappropriation of fund by some of the Officers of the Imphal Urban Co-operative Bank Ltd. the enquiry committee shall be entrusted responsibility to examine any relevant documents pertaining to investment of IICB Fund to the tune of Rs 810.9 crores in SLR

securities and ascertain any misappropriation of fund took place during the period of FY 2016-2017. In the event of any misappropriation of fund was found involving staffs/officers of IUCB Ltd., the said committee should recommend appropriate action including recovery of money from the person involved in misappropriation of fund. The Committee shall take into account the rate of interest, face value, book value and market value at the time of transaction (FIBIL) &(FIMMDA) and Repo Rate of FY 2016-17 etc.

b) Prima facie cases of fake/forged documents submitted for availing loan from the IUCB Ltd., and recommend appropriate action thereof.

c) Cases of exercise of power in excess of their authorised powers of officers of IUCB Ltd., for sanction of loan to individuals violating the PIL No.60 of 2018Page 1IUCB Banking norms and procedures and recommend appropriate action thereof.”

*Copy of the order dated 09.09.2019 is filed herewith and marked as **Annexure-R4**.”*

[2] The said officer, namely Shri Saibal Chowdhury, Manager, Department of Co-operative Bank Supervision, RBI, Guwahati should also be included in the office order dated 9.9.2019. In the meanwhile, Mr.N.Umakanta, learned counsel for the petitioner seeks to assail the office order dated 9.9.2019 stating that some persons independent of the Imphal Urban Cooperative Bank Ltd. should be part of the Inquiry Committee to ensure that the Inquiry is conducted in a fair and non-biased manner.

[3] We permit him to move an application in this regard.

[4] At request, list again on 12.02.2020.

[5] A copy of this order be issued to Mr.N.Umakanta, learned counsel for the petitioner and Mr.Julius Riamei, learned counsel for the respondent No.3 as well as Mr.N.Jotendro, learned senior counsel.”

3. Subsequently, the order dated 05.02.2020 was modified by order dated 12.02.2020 and this Court observed as follows :

“It is stated by Ms. Sapana, learned counsel for the petitioner that an application has been filed in terms of the order dated 05.02.2020.

Shri Aribam Jankinath Sharma, learned counsel who appears on behalf of Saibal Chowdhury, Manager, Department of Co-operative Bank Supervision, RBI Guwahati states that the post is a transferable post. So the office order dated 09.09.2019 can include the official name, Manager, Department of Co-operative Bank Supervision, RBI Guwahati and not by the individual name so as to avoid confusion if there is case of transfer.

We are inclined to accept the said plea and modify para 2 of the order dated 05.02.2020 as follows:

“That the Manager, Department of Co-operative Bank Supervision, RBI Guwahati should also be included in the office order dated 09.09.2020.”

At request, post on 19.02.2020.”

4. The instant review petition has been filed by the petitioner praying as follows :

“I. Review the impugned orders dated 05.02.2020 & 12.5.2020 passed in PIL No. 60 of 2018 by deleting any officer of the Reserve Bank of India for participating in the Internal Inquiry Committee of the Imphal Urban Co-operative Bank (IUCB) Ltd. by modifying the order dated 05-02-2020 and also 12-02-2020 in view of the instruction given by the Reserve Bank of India, as per e-mail dated 11-02-2020.

II. put any other independent body/Officer of the State Government Department like Commissioner (Department like Commissioner (Departmental Inquiry), Government of Manipur may be given responsibility to hold such inquiry to come to the considerable solution as early as possible.

III. pass any further order/orders, direction/directions which the Hon'ble Court may deemed fit and proper to secure the ends of justice."

5. Learned counsel appearing for the petitioner submits that the independent body/Officer of the State Government Department like Commissioner (Department like Commissioner (Departmental Inquiry), Government of Manipur may be given responsibility to hold such inquiry in place of Saibal Chowdhury, Manager, Department of Co-operative Bank Supervision, RBI Guwahati. Subsequently, the order has been modified on 05.02.2020 and the Manager, Department of Co-operative Bank Supervision, RBI Guwahati had been included in the office order dated 25.09.2019. Further, the earlier order dated 25.09.2019 clearly states that case of misappropriation of fund by some of the Officers of the Imphal Urban Co-operative Bank Ltd. the enquiry committee shall be entrusted responsibility to examine any relevant documents pertaining to investment of IICB Fund to the tune of Rs 810.9 crores in SLR securities and ascertain any misappropriation of fund took place during the period of FY 2016-2017. Since the allegation of misappropriation of the huge amount is involved, the prayer sought for in the review petition is liable to be rejected.

6. Therefore, we find no error or illegality in the earlier order passed by this Court. Hence, there is no merit in the review petition. Consequently, the review petition is liable to be rejected.

7. In fine, the review petition is dismissed.

JUDGE

CHIEF JUSTICE

Sushil