

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 344 of 2024

Smt. Payel Roy

---Petitioners(s)

Versus

The State Bank of India and Another

---Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate. Mr. P. Chakraborty, Advocate.
For Respondent(s)	:	Mr. A. L. Saha, Advocate.
Date of hearing and date of judgment and order	:	04.07.2024.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Issue Rule, calling upon the respondents and each one of them to show cause as to why a Writ of Certorari and/or in the nature thereof, shall not be issued for directing the, to transit the records appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned letter dated 16.01.2024*
- (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 respondents to revoke/rescind the impugned letter dated 16.01.2024 and further for mandating/directing them, 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 rules absolute in terms of (i) and (ii)above;*
- (v) *Any other relief(s) as to this Hon'ble High Court may deem fit and proper.*

[3] It is the case of the petitioner 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. 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. 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 15.09.2021, inter alia demanding proper explanation of her previous letter dated 07.09.2021, and praying, for causing inquiry into the matter. On 16.01.2024, the Chief Manager, State Bank of India issued a letter thereby rejecting the claim of the petitioner. On 19.02.2024, the petitioner submitted a representation to the Chief Manager, State Bank of India, thereby requesting to forthwith comply with the Judgment & Order (Oral) dated 14.12.2023. Hence, this writ petition is presented.

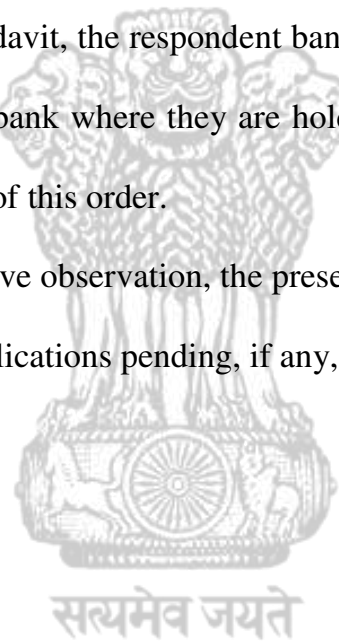
[4] On perusal of the record, this court finds that subsequent development has taken place. In view of the subsequent development indicated in the counter affidavit at

Para-11 wherein the respondent Bank Manager has given certain information. At this juncture, the counsel for the petitioner seeks leave of this Court to withdraw the instant writ petition with liberty to take legal step in accordance with law.

[5] Meanwhile counsel for the respondent-bank is directed to provide the details/information with all particulars in respect of the persons namely Roshan Kumar and Aravind Kumar to whom the money in question is said to have been transferred. On receipt of such details/information, the petitioner will be at liberty to avail remedies under law.

[6] It is further made further clear that if Roshan Kumar and Aravind Kumar are not holding any account with Yes Bank or Punjab National Bank as mentioned in Para-11 of the counter-affidavit, the respondent bank is directed to procure the particulars of these persons from the bank where they are holding accounts within two weeks from the date of receipt of copy of this order.

[7] With the above observation, the present writ petition stands disposed of. As a sequel miscellaneous applications pending, if any, shall stand closed.



JUDGE

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