

GAHC010120092024



2024:GAU-AS:12697-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/204/2024

1: THE STATE BANK OF INDIA AND 3 ORS REPRESENTED BY ITS
CHAIRMAN, BANK BHAWAN, MADAM CAMA ROAD, MUMBAI 400021

2: THE REGIONAL MANAGER NORTH EAST REGION
STATE BANK OF INDIA DISPUR GUWAHATI 781006

3: THE ASSTT. GENERAL MANAGER (CCC) STATE BANK OF INDIA
LOCAL HEAD OFFICE DISPUR GUWAHATI 781006

4: THE BRANCH MANAGER STATE BANK OF INDIA RANGIA BRANCH
P.O. AND P.S. RANGIA DIST. KAMRUP ASSAM PIN 78135

VERSUS

1: PARESH CHANDRA DEKA AND 8 ORS
S/O LATE ADITYA DEKA, R/O VILL. MURARE,
P.O. AND P.S. RANGIA, DIST. KAMRUP, ASSAM, PIN 781354

2: THE STATE OF ASSAM THROUGH THE COMMISSIONER AND SECY. TO
THE GOVT. OF ASSAM
HOME AND POLITICAL AFFAIRS DEPT. DISPUR GUWAHATI 6

3: HE DIRECTOR GENERAL OF POLICE
ASSAM ULUBARI GUWAHATI 781007

4: THE SUPERINTENDENT OF POLICE
KAMRUP AMINGAON GUWAHATI 781031

5: THE OFFICER IN CHARGE RANGIA POLICE STATION P.O. AND P.S.
RANGIA DIST. KAMRUP ASSAM PIN 781354

6: THE RESERVE BANK OF INDIA REPRESENTED BY ITS REGIONAL
DIRECTOR STATION ROAD GUWAHATI 781001 ASSAM.

7:THE BHARATI AIRTEL REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER GURGAON CITY (DELHI AND NCR) UNITECH WORLD CYBER PARK SECTOR 39 TOWER A 4TH FLOOR GURGAON 122001 HARAYANA (DELHI AND NCR)

8:THE BHARATI AIRTEL NE CORPORATE OFFICE BHARTI HOUSE G.S. ROAD SIX MILE KHANAPARA JAYA NAGAR GUWAHATI 781022 ASSAM.

9:THE SECRETARY GOVERNMENT OF INDIA DEPARTMENT OF TELECOMMUNICATION MINISTRY OF COMMUNICATIONS 12TH FLOOR SANCHAR BHAWAN 20 ASHOKA ROAD NEW DELHI 110001

For the Appellant(s) : Mr. K. Das, Advocate.

For the Respondent(s) : Mr. Y.S. Mannan, Advocate for respondent No.1.
: Ms. R.B. Bora, Junior Govt. Advocate, Assam for respondent Nos.2, 3, 4 & 5.
: Mr. D. Das, Senior Advocate, assisted by Mr. K. Talukdar, Advocate for respondent Nos.7 & 8.

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

16.12.2024

(Vijay Bishnoi, CJ)

The learned Single Judge, while taking into consideration the grievance raised by the private respondent No.1/writ petitioner in the writ petition regarding the fraudulent transaction resulted into siphoning of his pensionary benefits amounting to ₹ 10,67,600/-, has observed that the appellant Bank is also not at fault because it appears that the private respondent No.1/writ petitioner was subjected to cheating on account of some fraudulent transactions, however, has directed the appellant Bank to credit the amount, so cheated, after making necessary deductions in the account of the private respondent No.1/writ petitioner.

It is noticed that the writ petition is still pending and as an *interim* measure, the learned Single Judge has directed the appellant Bank to credit the

amount in the account of the private respondent No.1/writ petitioner after making necessary deductions.

Aggrieved by the same, the appellant Bank has approached this Court raising a grievance that once the learned Single Judge has found that the appellant Bank is not at fault then the direction given to the Bank to credit the amount in the account of the private respondent No.1/writ petitioner is not justified. It is the concern of the appellant Bank that it may open the floodgates wherein many of the customers, who have lost money on account of the fraudulent transactions due to their negligence, may approach the Courts for the similar relief.

Today, learned counsel appearing for the parties are in agreement that so far as the direction given by the learned Single Judge to credit the amount so cheated in the account of the private respondent No.1/writ petitioner is concerned, of course after making necessary deductions, may be kept in abeyance till the pendency of the writ petition and the learned Single Judge be requested to decide the writ petition preferred on behalf of the private respondent No.1/writ petitioner on its own merit.

In view of the submissions made by the learned counsel appearing for the respective parties, we dispose of this writ appeal while interfering with the direction contained in Paragraph 26 of the impugned order passed by the learned Single Judge of issuing a direction to the appellant Bank to credit the amount in the Bank account of the private respondent No.1/writ petitioner. Accordingly, the direction given by the learned Single Judge to credit the amount, so cheated, in the account of the private respondent No.1/writ petitioner, after making necessary deductions, be kept in abeyance till the pendency of the writ petition.

However, we request the learned Single Judge to dispose of the writ petition filed on behalf of the private respondent No.1/writ petitioner on its own merit expeditiously, without being influenced by any observation made in this order.

JUDGE

CHIEF JUSTICE

Comparing Assistant