IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.14352 of 2018

Sreevas Roofing Private Limited,
CIN – U28112TN2009PTC072191
E-7, 3rd Floor, Gemini Parsn Apartments,
Cathedral Garden Road,
Chennai 600 006. .. Petitioner

-vs-

1.The State Bank of India,
rep. by its Chairman,
State Bank of India,
Corporate Centre,
Madam Cama Road,
Nariman Point,
Mumbai 400 021.

2.The State Bank of India,
rep. by the Chief Manager,
Jawahar Nagar, S.V.Road,
Goregaon (W),
Mumbai 400 062.

3.The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai 600 007. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to verify the State Bank of India bank account bearing No.36154949820 and send a verification report with KYC and transaction details to the 3rd respondent and consequently if the address of the account holder of the State Bank of India bank account bearing No.36154949820 is found to be fake or no such person is present in the said address, to unfreeze the State Bank of India bank account bearing No.36154949820 and repatriate the sum of Rs.4,20,000/- to its principal account maintained by the petitioner at City Union Bank (Chennai-Thambu Chetty Branch) account bearing No.043120000137203.

For Petitioner : Mr.Vivek Menon

For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R3

ORDER

This writ petition has been filed by the petitioner seeking a direction to the 2nd respondent to verify the State Bank of India bank account bearing No.36154949820 and send a verification report with KYC and transaction details to the 3rd respondent and to unfreeze the State Bank of India bank account bearing No.36154949820 and repatriate the sum of Rs.4,20,000/- to its principal account maintained by him at City Union Bank (Chennai-Thambu Chetty Branch) account bearing No.043120000137203, if the address of the account holder of the State Bank of India bank account bearing No.36154949820 is found to be fake or no such person is present in the said address.

2.The case of the petitioner is that from 13.09.2017 to 15.09.2017, an internet hacker gaining unlawful access to his email account, sent a series of emails to his employees from his email account. During the course of such email exchange, the hacker sent an email on 13.09.2017 asking one Mr.G.Krishna Mohan, who is an employee of the petitioner, to transfer a sum of Rs.4,20,000/- to the bank account allegedly maintained by 'Ekta Enterprises' maintained in the second respondent branch. The said Krishna Mohan believing such representations to be bonafide, had effected such transfer of the above mentioned funds on the same day i.e. 13.09.2017. As the Executive Director of the petitioner company was in Singapore, he could not be immediately contacted for further verification. After knowing the transfer of funds to the fraudulent bank account, a police complaint addressed to the Commissioner of Police, was immediately filed on 15.09.2017 by the official of the petitioner company and the said complaint was taken on record. When the said Ekta Enterprises had provided its address, the second respondent ought to have conducted an investigation into the veracity of address and the oversight by the second respondent has resulted in grave injury to the petitioner, whose funds are not accessible to the petitioner in the frozen account maintained by the second respondent.

3.A perusal of records would show that after enquiry, the Inspector of Police, Cyber Crime Cell, Chennai, the third respondent herein has sent a detailed letter to the State Bank of India, Mumbai, the second respondent herein with a request to defreeze the State Bank of India A/c.36154949820, Goregaon (W) Mumbai and revert back the amount Rs.4,20,000/- to its principal A/c. “City Union Bank” A/c. No.043120000137203 from the beneficiary account against Indemnity Bond produced by the Principal Account holder. In response thereto, a communication has been addressed by Mr.P.Sriram to the State Bank of India with a request to revert back the said amount to current Account No.043120000137203 with City Union Bank from where it was originally transferred. When the second respondent has answered the petitioner stating that there has been a multiple claims against the Bank Account bearing No.36154949820 allegedly belonging to the said Ekta Enterprises that are similar to the petitioner's claim, it is not known how this writ petition can be maintainable for the non-joinder of necessary parties. As the petitioner has not impleaded necessary parties, this Court is not inclined to entertain this petition and the same is dismissed. No costs.

18.06.2018

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To

1.The State Bank of India,
rep. by its Chairman,
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2.The State Bank of India,
rep. by the Chief Manager,
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T.RAJA, J.

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