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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3867/2019, CM No. 17569/2019

SUJATA SHARMA ..... Petitioner

Through: Mr. Ranjan Narula, Mr. Annirudh Sharma, Ms. Himani Makkad and Ms. Shriya Chandra, Advs.

Versus

UNION BANK OF INDIA AND ANR. ..... Respondents

Through: Mr. Santosh Kumar Rout, Adv. with Mr. Ravi Kumar Singh, Branch Manager, C.R. Park Branch.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% 29.07.2019

1. Counter-affidavit has still not been brought on record. The same is lying under objection. The same has been called from the Registry and placed on record.

2. It is the submission of the learned counsel for the petitioner that the petitioner has a bank account with the respondent Bank, Chittaranjan Park branch. On January 1, 2019 when she went to the bank to access her locker facility, the same was denied by the Bank and on enquiry, respondent no.2 informed the petitioner that the same has been frozen pursuant to a complaint made by the United State based Law Firm Foley Hoag vide letter dated December 27, 2018. On receiving the said letter from the respondent Bank, petitioner informed the Bank about the mistaken identity as is

apparent from the letter dated December 27, 2018 the reference is made to one Asim Bandhu Patra, even though the account number is that of the petitioner. Petitioner through e-mail dated January 11, 2019 requested the respondent Bank to defreeze the bank account of the petitioner. In fact the petitioner had also contacted the Law Firm Foley Hoag, New York, USA vide e-mail dated February 13, 2019 explaining the issue. The Firm had acknowledged the e-mail of the petitioner and has vide return mail dated February 15, 2019 stated that it shall revert back to the petitioner, but no response has come from the firm. According to him, even a reminder sent by the petitioner did not elicit any response from the firm.

3. The petitioner again requested the respondent Bank to initiate steps on her request dated February 13, 2019. However, no reply has been received to the same. It is the grievance of the petitioner that the respondent Bank has not taken action and considered the request of the petitioner.

4. It may be stated here that initial action of the respondent Bank was for freezing the account / locker of the petitioner and restraining her from operating the FDRs connected with the account. During the course of submissions, I have been informed that the respondent Bank has since permitted the petitioner to operate the locker. The issue is only whether the respondents could have restrained the petitioner from operating the account no. 626702010002385 and the connected FDRs.

5. Counter-affidavit which has been taken on record reveals the following:

> *"6. I say that it is the common phenomenon that if any account / accounts are freezed as pursuant to the*

compliance of the order of any Court, that the bank has not reason to defreeze the account on the request of either by the party or on the letter / request / notice of any counsel. The petitioner has admitted in Para No.H of her petition that the respondent bank has defreeze the account of the petitioner bearing No.626702010002385 and also admitted that the respondent bank has defreeze the locker of the petitioner. Without any prejudice it is submitted that the accounts of the petitioner were freezed not pursuant to the execution of the court not belongs to the land, but on the alarm and taking precautionary action to prevent fraud and availing an opportunity for investigation. As stated in the previous Para the compliance the order of the court cannot be violated without the order of the court. The admission of the petitioner that one account and locker were defreezed averted that the freezing of the accounts were not done pursuant to and compliance of the order of court not belongs to the land but was done as precautionary measure as the bank normally does.

7. I say that the respondents denied the allegations that the respondents acted on a mere complaint by a law firm based out the USA and without any application of mind. It is stated that the respondents freezed the accounts of the petitioner as precaution as normal course of banking business expecting the fraud might rout to our country and the investigating agency of the country may interfere."

6. From the above, it is clear that the respondent Bank has not frozen the account of the petitioner pursuant to the execution of the Court order not belonging to the land but on the alarm and taking precautionary action to prevent fraud and availing an opportunity for investigation.

7. Learned counsel appearing for the petitioner during the course of his

submissions did concede that the petitioner is trading in handicraft items on amazon.com and she has never involved herself in selling of any books. That apart, it is his submission that the petitioner is ready and willing to cooperate with the respondent Bank in any investigation that may be carried out in future. According to him, the bank's action to restrain the petitioner from operating her account is causing great difficulty to her as sufficient amount of money is lying in the account which she requires for her day-to-day expenses.

8. On the other hand, learned counsel appearing for respondent Bank has reiterated the stand which has been taken by it in the counter-affidavit inasmuch as the account has not been frozen pursuant to the execution of the Court order not belonging to the land but on an alarm and taking precautionary action to prevent fraud and availing an opportunity for investigation. He also states, that no investigating agency has approached the respondent Bank for carrying out the investigation with regard to the account in question, even though 7 months have passed.

9. From the aforesaid submissions, it is clear that the respondent Bank has frozen the account of the petitioner and also the FDRs related to the said account only on the ground that in future the account may be a subject matter of an investigation. If that be so, as no investigating authority has approached the respondents, there is no cause for the respondents to freeze the account in question. That apart, they cannot keep the account frozen for an indefinite period.

10. In view of the statement of the learned counsel for the petitioner

which I take on record that the petitioner shall cooperate with the Bank in any investigation that can be carried out in future, the petition is allowed. Respondent Bank is directed to de-freeze the account of the petitioner being 626702010002385 and allow the petitioner to operate FDRs related to this account. The writ petition is disposed of.

CM No. 17569/2019 (for direction)

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 29, 2019/*jg*