

14-12-2021
ct no. 13
Sl.12
sp

WPA 18392 of 2021
Shyamal Chandra Das
-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Mr. Manjit Singh,
Mr. Gaganjyot Singh,
Mr. Biswajit Mal

...for the petitioner

Ms. Chaitali Bhattacharya,
Mr. Kartic Chandra Kapas

...for the State

Mr. Debashis Saha,
Ms. Dipika Banu,
Ms. Namrata Chatterjee,
Mr. Souvik Dian

...for the SBI

Affidavit of service filed in Court today is
taken on record.

The petitioner is aggrieved by the fact that
the State Bank of India, Budge Budge Branch
has wrongfully disallowed the operations in his
savings bank account.

It appears from the records that a third
party has represented himself to be the writ
petitioner and committed acts and omissions for
which an investigation was started by the
Survey Park Police Station. The said Police
Station filed final report on August 21, 2018
before the learned Magistrate indicating that

there is no case made out against the writ petitioner and that there is a mistake of fact.

The petitioner wrote a letter to the bank on September 19, 2018 for unfreezing of his account which had a sum of Rs. 4,71,000/- at the time of freezing. The bank has not done so. Hence the instant writ petition.

It appears from the submissions of the counsel for the bank that by a circular dated October 21, 2014, partial freezing of accounts, at the instance of the Government or SBI or any authority is permitted in SBI. The said circular has not been produced before this Court.

This Court is unable to appreciate under what law the bank can suo motu freeze the accounts of its customer except at the instance of either the Court of law or any statutory or regulatory authority. Breach of a contract with the bank is also one such ground.

It is necessary to note that the learned Magistrate in an order dated February 12, 2019 has recorded that neither the I/O nor the Court had authorized any freezing of the writ petitioner's account.

The bank has not been able to demonstrate any of the aforesaid before this

Court. The action of the bank and freezing the petitioner's account, is unacceptable and illegal.

In that view of the matter, the State Bank of India shall pay a consolidated rate of Rs. 5% on the principal sum of Rs. 4,71,000/- from September 19, 2018 till the date of actual payment.

The bank shall be entitled to fix accountability on the concerned officials responsible for the aforesaid loss to the bank..

With the aforesaid observations, the instant writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)