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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11579 of 2020

Siddhartha Banerjee
Vs.
Union of India & Ors.

Mr. Gourav Das,
Mr. Vivaswan Dhar,
Mr. Hemanta Kumar Das,
Mr. Nepesh Majhi
... For the petitioner.

Mr. Suman Chattopadhyay
... For Union of India.

Affidavit of service affirmed by the petitioner on 18th March, 2021 filed in Court is taken on record.

Despite service, the respondents no. 3, 4 and 5 remain unrepresented.

The envelope addressed to the respondent no.2, as appears from the affidavit of service has come back undelivered with the endorsement "left".

In these facts and circumstances, the matter is taken up in the absence of the said respondents.

The petitioner challenges the authority of the Bolpur Branch of Indian Bank to issue the letter dated 13th October, 2020 by which in one of its paragraphs state as follows:-

"We also make it abundantly clear

that we have not given any permission to the company to open any account with any other Bank in past. Hence any subsisting account, either with you or with any other bank is in violation of RBI guidelines warranting immediate redressal under advice to us. Such being the case, please also arrange to provide to us a copy of statement of account since inception”.

The petitioner says that assuming without admitting that the petitioner's account with the Indian Bank, Bolpur Branch, is irregular in operation then also the Branch Manager of the said Branch, could not have issued such direction as contained in the letter dated 13th October, 2020 to the Branch Manager, UCO Bank, Purandarpur Branch, Bolpur – 731129 wherein the petitioner maintains another account. The petitioner also refers to a letter issued by UCO Bank in support of its contention that such letter could not be issued.

After considering the submissions made on behalf of the petitioner, the advocate representing the Union of India and the materials on record, I find that the portion of the letter quoted above clearly demonstrate that the Branch Manager of Indian Bank, Bolpur Branch, exceeded his jurisdiction by holding out that any subsisting account with UCO Bank, Purandarpur Branch, has been opened or operated in violation of the Reserve Bank of India (in

short, RBI) guidelines. It is for the concerned bank i.e., UCO Bank and in particular Purandarpur Branch, to see and ensure that the petitioner's account has been opened and operated following the RBI guidelines. The Branch Manager of Indian Bank, Bolpur Branch, should be concerned only as to whether the account of the petitioner maintained in the Bolpur Branch of the said bank is operated in accordance with RBI guidelines. The portion of the letter dated 13th October, 2020 as referred hereinabove to this effect is hereby expunged. The UCO bank will be free in accordance with its policy following RBI guidelines to allow operation of the petitioner's account maintained in the said bank.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)