

WPO/233/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

VISA STEEL LIMITED AND ORS.

-Versus-

STATE BANK OF INDIA AND ANR.

Appearance:

Mr. Sabyasachi Chowdhury, Adv.
Mr. Rajarshi Dutta, Adv.
Mr. V.V.V. Sastry, Adv.
Ms. Nikita Chowdhury, Adv.
Mr. Tridib Bose, Adv.
Mr. D. Saha, Adv.
...for the petitioner.

Mr. Ashik Kumar Routh, Adv.
Ms. Smruti Mishra, Adv.
...for the SBI.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 9th July, 2021.

The Court : The writ petitioner is aggrieved by the fact that he was granted personal hearing in virtual mode before the Identification Committee under the Regulations of Reserve Bank of India relating to Wilful Defaulters, only if he attended the hearing at the bank's premises.

Counsel for the petitioner submits that his client, 73 years old, was willing to attend the personal hearing virtually from his residence. It is submitted that in view of the pandemic,

it was inappropriate for the bank to ask him to come to its premises for the said purpose.

Counsel for the bank submits that the petitioner can attend the personal hearing before the Review Committee which is the committee to confirm any decision taken by the Identification Committee. Counsel for the petitioner submits that his client does not wish to miss one stage of the proceedings, which has since been concluded, without hearing him.

Having heard the rival contention of the parties and having examined the impugned order dated 9th June, 2021, this Court sees that each and every contention, argument and defence taken by the writ petitioner before the Identification Committee in writing was duly addressed. Asking for a personal hearing afresh before the Identification Committee, according to this Court, is unlikely to improve things. It would be an idle formality.

However, it must be borne in mind that findings of the Identification Committee are provisional. Only the Review Committee can actually confirm and pass the final orders.

In the interest of justice, the writ petitioner shall be granted an opportunity to appear before the Review Committee. The petitioner may attend such hearing virtually from his residence. The petitioner shall be given ten days prior notice of such personal hearing.

The Review Committee shall take any suitable decision after hearing the writ petitioner personally, on the findings of

the Identification Committee dated 9th June, 2021. It shall not be construed by the Review Committee that the petitioner has made any admission before the Identification Committee.

With the aforesaid observation, WPO/233/2021 is disposed of without any order as to costs.

(RAJASEKHAR MANTHA, J.)

A/s./sp.