

ORDER SHEET

WPO 291 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

VISHAMBHAR SARAN AND ANR.
VS
PUNJAB NATIONAL BANK AND ANR.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 3rd August, 2021.

(Via Video Conference)

Mr. Sabyasachi Chowdhury,
Mr. Rajarshi Dutta,
Mr. V.V.V. Sastry,
Mr. Tridib Bose,
Mr. Debjyoti Saha,
Ms. Shivika Tiwari, Advs.
...for the petitioners
Ms. Parna Roychoudhury,
Mr. Abhishek Banerjee, Advs.
...for the Bank

The Court: An order of the Identification Committee dated May 29, 2021 is under challenge in the present writ petition.

Learned advocate appearing for the petitioner submits that, the Identification Committee did not consider the reply to the show cause notice. He submits that, although the remedy of approaching the Review Committee is available, but since the Identification Committee did not consider the reply to the show cause notice, it would be appropriate that Court directs the Identification Committee to consider the reply to the show cause notice and thereafter arrive at its decision. According to him, the petitioner cannot be asked to lose one forum.

Learned advocate appearing for the bank submits that, the petitioner through their learned advocate's letter dated July 27, 2021 while serving a copy of the writ

petition requested a copy of the writ petition to be placed before the Review Committee for consideration. The bank do so in accordance with such request.

No doubt, the petitioner can approach the Review Committee against the decision of the Identification Committee. Apparently, even before the writ petition was moved, the writ petitioner under cover of the letter dated July 27, 2021 requested the bank to place the writ petition before the Review Committee for consideration. The Bank did so.

In such circumstances, it can be said that the petitioners choose to avail of the remedy of approaching the Review Committee.

In view of such choice being made by the petitioner and in view of the fact that the issues sought to be raised in the present writ petition can be considered and decided by the Review Committee and since there exists an alternative remedy in favour of the petitioner, which is efficacious, interference of a Writ Court is not called for. It is clarified that the Court did not enter into the merits of the rival contention on other aspects.

WPO 291 of 2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)

TR/

