

OD-5

ORDER SHEET

WPO/941/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHAND NARAYAN SAHGAL
VS
CENTRAL BANK OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 7th October, 2021.

[Via video conference]

Appearance

Mr. Rudraman Bhattacharyya, Adv.

Mr. L. Vishal Kumar, Adv.

Mr. Sourajit Dasgupta, Adv.

Mr. Somnath Roy, Adv.

Mr. Sharukh Raja, Adv.

Mr. Gautam Chakraborty, Adv.

The Court : The writ petitioner claims that the shares morefully described in paragraph 4 at page 5 of the writ petition that were originally deposited the Central Bank of India to secure overdraft facility filed by the petitioner have not been returned despite no liability existing towards the Bank.

The counsel for the Bank has admitted that certain shares of the petitioner morefully described in the letter dated 12th August, 2021 at page 2, belonging to the petitioner, are lying with them. The Bank also submits that the petitioner has been wrongfully delivered certain shares of other clients morefully

described in letter dated 7th July, 2021 and 16th December, 2019 (page 43 of the writ petition) which they are not returning.

This Court finds disputed questions of fact which cannot be gone into in a writ petition.

However, since the Bank has admitted holding some shares of the petitioner, the same should be returned to the petitioner as expeditiously as possible preferably within a period of 30 days from date. The petitioner disputes undue receipt of any shares mentioned at page 49 of the writ petition from the Bank. The parties shall resolve the balance disputes against each other including claims for damages against one another in an appropriate civil proceedings.

With the aforesaid observations, WPO No. 941 of 2021 is disposed of without any order as to costs.

Since the Central Bank of India has not used any affidavit-in-opposition, none of the allegations in the writ application shall be deemed to have been admitted. It is also made clear that the exchange of shares between the parties shall be strictly without prejudice to any of their rights and contention under the law.

(RAJASEKHAR MANTHA, J.)