

OD-4

WPO 1207 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KAUSTUV RAY
VERSUS
IDBI BANK AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 13th December, 2021.

Appearance:

Mr. Subhankar Nag,Adv.

Mr. Avishek Guha,Adv.

Mr. Deep Basu,Adv.

Ms. Ratnadipa Sarkar,Adv.

...for the petitioner

Mr. Kausik De,Adv.

Mr. Chayan Gupta,Adv.

Mr. Mohini Majumder,Adv.

Mr. Raghav Munshi,Adv.

Ms. Rosham Pathak,Adv.

...for respondent nos. 1,2 and 3

The Court:- The learned Counsel for the petitioner contends that, without giving any inspection and/or copies of the documents on which the respondent authorities rely, a notice of show-cause which was given in respect of proposed declaration of wilful defaulter with regard to the petitioner. Learned Counsel, by placing reliance on the reply of the petitioner to such notice, annexed at page 53 of the writ petition, argues that without the documents, the petitioner can only give a tentative reply, which he has already done.

At this juncture, learned Counsel appearing for the respondent authorities, in his usual fairness, submits that the respondents have no issues in handing over to the petitioner the documents sought by the latter.

Since the present writ petition has been filed in connection with a wilful defaulter declaration, the purpose of justice will be subserved in the event the respondent authorities give a fresh hearing to the petitioner, subsequent to furnishing copies of the documents which are relevant in respect of the allegations made against the petitioner.

Accordingly, WPO No. 1207 of 2021 is disposed of by directing the respondents to hand over copies of the relevant documents pertaining to the allegations made against the petitioner vis-à-vis the allegation of wilful default within a week from date at a time and place as fixed by the respondents and intimated beforehand to the petitioner, directly or through the latter's Advocate.

Upon such copies being handed over, the petitioner shall be given an opportunity to file a comprehensive reply to the show-cause notice, taking into consideration the copies of the said documents handed over today within one week thereafter. Upon such reply being given and/or the expiry of the period of one week subsequent to handing over of the documents, whichever is earlier, the respondents shall give a fresh hearing to the petitioner, taking notice of the subsequent comprehensive reply, if any, filed by the respondents and decide the wilful defaulter issue upon such hearing in accordance with law. The parties shall act on the written communication of the learned Advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of certified copies.

No order as to costs.

Urgent website certified copies of this order, if applied for, be made available to the parties upon completion of all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)