



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 29036 of 2019

M/s. Team Xperts
represented by its Proprietor,
Mr.V.Suresh,
No.20, 1st Floor,
Nathan Subramanian Colony,
Annai Indira Nagar, Velacherry,
Chennai - 600 042

.. Petitioner

Versus

- 1.The Reserve Bank of India
South Zone Office
No.16, Rajaji Salai, Fort Glacis,
Chennai - 600 001.
- 2.The Branch Manager
M/s. State Bank of India
NRI, Velachery Branch
No.35/1-A, Velachery Main Road
Velachery, Chennai - 600 042.
- 3.The Superintendent of Police
Economic Offence Wing, SIDCO,
Garments Complex-II,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

(R3 impleaded as per order dt.18.11.2019
made in W.M.P.No.32668/2019)

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents to de-freeze the bank current account No.38430941833 operated in the second respondent bank M/s.State Bank of India, NRI Velachery Branch, Chennai - 42.



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For Petitioner : Mr. S. Janarthanan

For Respondents : Mr. T. Poornam (For R1)

Mr. C.Mohan
For M/s.Kind & Patridge (For R2)

Mr. A. Santhosh
For Public Prosecutor (For R3)

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the respondents to de-freeze the bank account No.38430941833 operated by the petitioner with the second respondent bank - M/s. State Bank of India, NRI Velachery Branch, Chennai - 600 042.

2. According to the Petitioner, they entered into an agreement with M/s. DMG Private Limited on 21.04.2019 to represent them as their Distributor for their software business development in the trade name and mark of DMG (P) Ltd., for a commission. At the time of entering into such an agreement, the petitioner company paid Rs.5 lakhs as advance/security deposit and another sum of Rs.5 lakhs later. For the purpose of receipt of the commission from the said company, the petitioner opened a Current Account with the second respondent in which the said company remitted the commission amount periodically. As on 08.07.2019, the Petitioner's account balance was Rs.16,01,780/-. While so, the Second Respondent, without any notice, has prevented the petitioner from operating the current account. When it was questioned by the petitioner, it was informed that they have received instructions from the respondents to stop the petitioner company from operating the current account. In this context, the petitioner approached the respondents bank as also the other respondents to de-freeze the bank account, but it was not considered. The petitioner also sent a written representation on 25.07.2019 to the respondents requesting to permit him to operate the bank account, but there was no response. The petitioner has therefore filed this writ petition.

3. When this writ petition is taken up for hearing, the learned counsel appearing for the third respondent produced a copy of the communication dated 11.10.2019 issued by the Inspector of Police, Economic Offences Wing-II, Coimbatore wherein it is stated that a company by name M/s. Dream Makers Global Private Limited has collected huge deposits to the tune of Rs.100 crore from the public by promising attractive returns.



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It is further stated that during the course of investigation, it came to light that the petitioner company is the franchise of the above said accused company and therefore, to facilitate the investigation, the bank account of the petitioner company was ordered to be frozen.

4. In the light of the above facts and circumstances, a Mandamus, as sought for by the petitioner cannot be issued. It is open to the petitioner to assail the communication dated 11.10.2019 issued by the Inspector of Police, Economic Offences Wing-II, Coimbatore in a manner known to law.

5. With this liberty, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Maya/rsh

To

- 1.The Reserve Bank of India
South Zone Office,
No.16, Rajaji Salai, Fort Glacis,
Chennai - 600 001.
- 2.The Branch Manager,
M/s. State Bank of India,
NRI, Velachery Branch,
No.35/1-A, Velachery Main Road,
Velachery, Chennai - 600 042.
- 3.The Superintendent of Police,
Economic Offence Wing, SIDCO,
Garments Complex-II,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

+1cc to Mr.S.Janarthanan, Advocate Sr No.54753
+1cc to M/s.King & Partridge, Advocate Sr No.54542

W.P. No. 29036 of 2019

GP (CO)
PR (26/11/2021)