

30-03-2022
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WPA 4978 of 2022

Vedica Computer Private Limited and another
Versus
Kotak Mahindra Bank and others

Mr. Souritro Ganguly,
Ms. S. Baid,
Mr. Tirthankar Nandy
...for the petitioners.

Ms. Niharika Singh,
Ms. Shubhangini Singh,
Ms. Supriya Singh
... for the respondent nos. 1 to 3.

The writ petitioner is aggrieved by Kotak Mahindra Bank's action in closing a loan account and levying additional penalty at an interest rate of 4 per cent.

This Court notices that the Kotak Mahindra Bank is not 'state' within the meaning of Article 12 of the Constitution of India, since State is not a shareholder nor does it control or manage the bank in anyway. Reference in this regard, is made to the decision of this Bench dated 15.03.2022 in WPO 915 of 2022.

This Court also notices that there are serious disputed questions of fact under the private contract, which cannot even otherwise be gone into by a Writ Court.

The writ petition hereby fails and is dismissed, with liberty reserved to the petitioners to approach any other forum to seek redressal of grievances.

The dismissal of the aforesaid writ petition shall not prevent the Kotak Mahindra Bank from communicating with the petitioners.

(Rajasekhar Mantha, J.)