

15.09.2022
Ct. 5
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ab

WPA 8370 of 2022
With
IA No. CAN 1 of 2022

Bharatia Mini Spring & Engineering Company
Pvt. Ltd.
-Vs-
The State of West Bengal & Ors.

Mr. Jishnu Chowdhury,
Mr. Rachit Lakmani,
Mr. Vikash Singh

... for the petitioner

Ms. Sangeetha Ghosh,
Ms. Aditi Roy,

... for the Canara Bank

Mr. Asish Kumar Guha,
Mr. Joyak Kr. Guha

... for the State

Mr. Satarup Banerjee,
Mr. Nirmalya Dasgupta,
Mr. Jitendra Patnaik,

... for the intervenor/applicant

The petitioner is a Company represented by one of its Directors. The petitioner seeks to challenge a communication of the respondent Canara Bank dated 2nd May, 2022, by which the respondent Bank has asked for certain information from the petitioner before permitting the petitioner to operate the bank account of the Company. The petitioner, through its learned counsel, submits that the respondent Bank could not have asked for such information since an order of

injunction granted with reference to the bank account of the Company by the Judge-in-charge, City Civil Court, Calcutta on 7th April, 2022 ceased to have any effect after the Title Suit filed by one Ramesh Kumar Singh was withdrawn on 25th April, 2022.

The said Ramesh Kumar Singh seeks to be added as a respondent in the writ petition and CAN 1 of 2022 has been filed for that purpose.

The other fact which has been brought to the notice of the Court by learned counsel appearing for Ramesh Kumar Singh is that Ramesh Kumar Singh has filed an application under Section 241 of The Companies Act, 2013 before the NCLT, Kolkata for relief relating to operation of the bank account of the Company and has also favoured with an interim order dated 18th July, 2022 in that respect.

Upon considering the documents before the Court and the case made out by the petitioner, this Court is of the view that after withdrawal of Title Suit No. 806 of 2022 in which the order of injunction, if the order is described as such, was granted on 7th April, 2022, the respondent Bank did not have any authority to ask for the information from the petitioner on 2nd May, 2022 in relation to the concerned bank account. The respondent Bank was already aware of the order of withdrawal dated 25th April, 2022 and should have acted on the

basis of the order of injunction not being in place any more.

This Court is hence inclined to allow and grant the prayer in the present writ petition for allowing the Company represented by one of its Directors to operate the bank account without any further fetters from the respondent Bank. However, since the Court has been informed that the intervenor/applicant in CAN 1 of 2022 is the petitioner in pending petition before the NCLT, Kolkata in which the representing Director before the Court is also a party, the order of removing the fetter in operating the bank account shall be subject to any orders passed in the NCLT proceeding.

By way of adequate protection to all the parties before the Court, any transaction made by either of the parties before the Court shall be upon intimation to one and another.

WPA 8370 of 2022 and CAN 1 of 2022 are disposed of in terms of the above.

(Moushumi Bhattacharya, J.)