

ORDER SHEET
W.P.O. No. 274 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Bhanwar Lal Jajodia.
Versus
State Bank of India,
Stressed Assets Management Branch-1, & Ors.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 27th January, 2022.

Mr. Jishnu Chowdhury with Mr. Supriyo Gole,
Mr. Ritoban Sarkar & Ms. Madhujā Barman, Adv.
... for petitioner

Mr. Om Narayan Rai with Mr. D. Chakravarty
& Mr. S. Ghosh, Adv.
... for respondents

The writ petitioner is aggrieved by the proceedings instituted inter alia by way of the communication dated 20th July, 2019, whereby the decision of the First Committee that there is prima facie evidence as regards willful default of the petitioner was notified.

The petitioner challenges the reply of the First Committee in that the most vital evidence actually relied upon by the First Committee, has not been supplied. The said document is a Forensic Audit Report.

According to the petitioner, the bank has completely relied on the said document to arrive at a finding as regards the diversion of funds via the DBS Bank.

Mr. Rai, learned Counsel appearing for the bank, submits that this application is premature since the order of the First Committee is at best a

show cause and/or a prima facie finding. The actual finding, which may give rise to the cause of action having civil consequences, would be that of the Second Committee and/or Review Committee.

Without entering into the detailed judgements cited by the parties, this Court is of the view that the issue as regards violation of natural justice, may be agitated against any final order that may be passed against the petitioner, by the Bank.

It is made clear that all points including those raised in this writ petition, are kept open to be agitated by the petitioner against the order of the Review Committee/Second Committee. The aforesaid order shall not prevent the bank from taking any steps in accordance with law.

On the prayer of Mr. Chowdhury, learned Counsel for the petitioner, 15 days' time is granted to the petitioner to approach the Review Committee with an appropriate representation against the order of the First Committee.

Since the respondents have not used affidavits the allegation contained in the writ petition shall not be deemed to have been admitted by them.

The writ petition is disposed of. There shall be no order as to costs.

(RAJASEKHAR MANTHA, J.)