

OD-4

ORDER SHEET

WPO/2326/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DILIP KUMAR BASAK
VERSUS
CANARA BANK

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : July 13, 2022.

Appearance:

Mr. Ganesh N. Jajodia, Adv.

Mr. Rohit Banerjee, Adv.

Mr. Rittwick Chowdhury, Adv.

Ms. Nitu Singh, Adv.

Ms. Aparajita Ghosh, Adv.

Ms. Sangeetha Ghosh, Adv.

Ms. Aditi Roy, Adv.

The Court: There are clear contradictions between the stand taken by the Bank in the undated letter impugned in the present writ petition and the accounts of the petitioner which show that there are no outstanding amounts payable by the petitioner as of date.

The impugned undated communication was issued by the Bank pursuant to an order passed by a Co-ordinate Bench on 29th April, 2022 by which the Bank was directed to dispose of the petitioner's representation within a period of one month.

The petitioner's case is that the petitioner has not only paid the one-time settlement amount of Rs.35 lakhs but also an additional amount of Rs.2.83 lakhs which was subsequently charged by the Bank. The Bank,

however, has failed to release the title deeds of the petitioner's property till date.

The additional submission of the Bank is that since the account was subsequently discovered to be a fraudulent account, all the original documents are with the CBI.

WPO/2326/2022 is disposed of with a direction upon the respondent Bank to treat the writ petition as a representation and dispose it of within a period of four weeks from date. The reasoned order to be passed by the Bank shall take into account all the subsequent events as well as the material in the writ petition. The writ petitioner shall also be given a hearing by the Bank before passing of the reasoned order. A copy of the reasoned order shall be served on the petitioner within a week from which such reasoned order is passed.

(MOUSHUMI BHATTACHARYA, J.)