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ORDER SHEET

WPO/2898/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/S. NAVIN BROS. PRIVATE LIMITED
VERSUS
ICICI BANK LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : November 22, 2022.

Appearance:
Mr. Jatinder Singh Dhatt, Adv.

Ms. Akansha Chopra, Adv.

The Court: The petitioner prays for a direction on the respondent Bank to lift the blanket debit freeze which was put on the petitioner's bank account.

According to the respondent Bank, the said action was taken pursuant to a communication dated 4th March, 2022 from the Cyber Crime Police, Telengana Police Department. The materials on record show that the Telengana Police Department/Cyber Crime Hyderabad issued the communication to the Bank on the basis of an alleged fraudulent transfer of amount in an account. The letter does not give any particulars of the alleged fraudulent act or the transfer details. The letter simply gives a table of 47 account numbers under which the petitioner's account number is one of such accounts.

The materials on record show that one R Jhansirani made a complaint on 28th February, 2022 to the Additional Chief Metropolitan Magistrate at Hyderabad stating that the said complainant has been blackmailed by several apps and rupee wallet companies for repayment of the amounts taken from the companies failing which morphed photographs and videos of the complainant would be circulated to the contacts of the complainant. The complaint makes no reference to the petitioner. It is also significant that the petitioner had refused a loan application of the complainant on 20th January, 2022. This document is on record.

Hence this Court is of the view that a debit freeze in the petitioner's account and that too for an indefinite period of time which is not supported by any evidence of wrongdoing cannot be allowed to continue. The petitioner has suffered the consequence of a vague and uncorroborated complaint made in February, 2022 without any corroborating material to support such action taken against the petitioner.

WPO/2898/2022 is accordingly allowed with a direction on the respondent Bank to forthwith lift the debit freeze of the petitioner's account as mentioned in paragraph 9 of the writ petition. The Bank shall carry out the direction within 24 hours from the date of communication of this order.

The writ petition is accordingly disposed of.

(MOUSHUMI BHATTACHARYA, J.)

sg.