



\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of decision: 05.04.2022+ **W.P.(C) 5699/2022**

NISHA CHAWLA

..... Petitioner

Through: Mr Akhil Krishan Maggu, Advocate.

versus

PRINCIPAL COMMISSIONER OF CUSTOMS (PREVENTIVE),
NEW CUSTOM HOUSE, NEW DELHI & ANR. RespondentsThrough: Ms Anushree Narain, Advocate for
respondent no.1.Mr Akshit Kapur, Advocate for
respondent no.2/SBI.**CORAM:****HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MS JUSTICE POONAM A. BAMBA****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J.: (ORAL)****CM APPL.17020/2022**

1. Allowed, subject to just exceptions.

W.P.(C) 5699/2022

2. Issue notice.

2.1. Ms Anushree Narain accepts notice on behalf of respondent no.1 i.e., Principal Commissioner of Customs (Preventive), while Mr Akshit Kapur accepts notice on behalf of respondent no.2 i.e., State Bank of India (SBI)

3. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

4. The substantive prayers made in the writ petition are as follows:

“(i) issue a writ of mandamus order direction thereby directing the respondents to defreeze/unblock the PPF account



of the petitioner bearing number 00000032066192303 held at State Bank of India, West Patel Nagar Branch: And/Or;

(ii) issue a writ of mandamus order direction thereby directing the respondents to disburse/hand over the amount of INR 11,97,522/- to the petitioner deposited in the PPF account bearing number 00000032066192303 held at State Bank of India, West Patel Nagar Branch of the petitioner”

4.1. In support of his plea, Mr Akhil Krishan Maggu, who appears for the petitioner, has drawn our attention to Annexure-P1, which is, appended on page 28 of the case file. This is a document, which is, indicative of the fact that the petitioner's account maintained with respondent no.2/bank has been frozen, based on a communication dated 21.09.2021 i.e., the letter bearing number as C.No.: VIII/Cus. Prev./NCH/RC/206/2017/7097.

4.2. Ms Narain has screen-shared the aforementioned letter dated 21.09.2021, issued by respondent no.1/revenue.

4.2(a) A perusal of this letter shows that respondent no.1/revenue seeks to recover government dues from the petitioner's account bearing no. 34185966707, which is, maintained with respondent no.2-bank's branch located at E1, 7, Near Metro Pillar No.171, East Patel Nagar, New Delhi-110008.

5. Therefore, clearly, respondent no.1 did not intend to put on hold i.e., freeze the petitioner's Public Provident Fund (PPF) account, which, as is evident from the prayers made in the writ petition, is different from the account, which is, referred to in respondent no.1's letter dated 21.09.2021.

5.1 Respondent no.2-bank will take note of this aspect, and lift the hold on the petitioner's PPF account, which is referred to hereinabove.

6. The writ petition is disposed of in the aforesaid terms.



7. For the purpose of good order and record, the Registry will scan and upload the communication dated 21.09.2021, which has been screen-shared with us by Ms Narain, so that the said document stands embedded in the case file.
8. Parties will act, based on the digitally signed copy of this order.

(RAJIV SHAKDHER)
JUDGE

(POONAM A. BAMBA)
JUDGE

APRIL 5, 20221

tr

[Click here to check corrigendum, if any](#)