

33.
1.5.2023
S.D.

W.P.A. 8877 of 2023

**Sujoya Dey @ Keya Dey
Vs.
HDFC Bank Ltd. & Ors.**

Ms. Malabika Roy Dey
Mr. Arnab Mandal

.....For the petitioner

Mr. Pravat Srivastav

...For the Respondent Nos. 1 & 2

Ms. Soni Ojha

..For the Respondent No. 3

Affidavit of service filed in Court today is retained with
the records.

This writ petition has been filed against HDFC Bank,
Bandhan Bank Limited and also the Reserve Bank of India.
However, the reliefs are claimed only against HDFC bank
and Bandhan Bank Limited.

This Court finds that the reliefs are claimed against the
private banks. As such no relief in a writ petition filed under
Article 226 of the Constitution of India can be prayed for
against private bank which is not a State, Agency of the State
or instrumentality of the State under Article 12 of the
Constitution of India. Reference may be made to a judgment
passed by the Apex Court reported in (2003) 10 SCC 733
(Federal Bank Ltd. vs. Sagar Thomas & Ors.)

As such, **W.P.A. 8877 of 2023 is dismissed.**

The petitioner will be at liberty to approach the appropriate forum, on the selfsame cause of action, if so advised.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)