22.05.2023
Ct. 7
D/L 12
ab/sb

WPA 9663 of 2023

Vishal Kumar Arya
-Vs-
ICICI Bank Limited & Ors.

Mr. Akash Munshi
Mr. Ghanshyam Jha
……for the petitioner

Ms. Soni Ojha
Ms. Sonia Mandy
….for the ICICI Bank

Mr. Rajyashree Kundalia
Mr. Abhadip Maity
…..for the GST Authority

The petitioner has prayed for a direction upon Karur Vysya Bank Limited being the respondent No. 2 herein to remit a sum of Rs. 16 lakhs to the petitioner from the current account being No. 104905500672 standing in the name of the 4^{th} respondent.

The learned advocate for the petitioner draws the attention of the Court to the accounts statement which is annexed at page 23 of the writ petition to impress upon this Court that the petitioner did not intend to transfer the sum of Rs. 16 lakhs in favour of Ganpati Traders on 28.09.2022 but the petitioner intended that the said sum would be credited to the account standing in the name of M/s. Geeta Creation.

Heard the learned advocate for the petitioner, the respondent No. 2 Bank as well as the GST Authority.

None appears on behalf of the respondent No. 4 in spite of service.

It appears from the account statement at page 23 of the writ petition that a sum of Rs. 16 lakhs was credited to the Bank account standing in the name of one Ganpati Traders on 28.09.2022 and on the same date, a further sum of Rs. 16 lakhs stood transferred from the bank account of the petitioner to the bank account standing in the name of one M/s. Geeta Creation. On a query of this Court, learned advocate appearing for the petitioner submits that though the petitioner did not intend any amount to be transferred in favour of Ganpati Traders on 28.09.2022 but it is not in dispute that while selecting the account to which the said sum of Rs. 16 lakhs is to be credited, the petitioner inadvertently selected the bank account standing in the name of Ganpati Traders. It is not in dispute that the GST Authorities have freezed the account of Ganpati Traders to which the sum of Rs. 16 lakhs has been transferred from the Bank account of the petitioner on 28.09.2022.

Since the bank account of the Ganapati traders has been freezed by the GST Authorities and such action of the GST Authorities cannot be challenged by the petitioner in this writ petition, no direction can be passed upon the 2nd respondent Bank to remit the amount of Rs. 16 lakhs, which was transferred from the

Bank account of the petitioner to the bank account of the Ganpati Traders on 28.09.2022.

In view thereof, no relief can be granted to the petitioner in this writ petition. The writ petition accordingly stands disposed of.

The petitioner is left free to workout his remedies in accordance with law. The petitioner is directed to serve a copy of the writ petition upon the learned advocate representing the 2nd respondent bank on or before 3 p.m. today.

(**Hiranmay Bhattacharyya, J**.)