

20.09.2023.
PB
Sl. No.22.

WPA 12282 of 2023

Rajgaria Timber Pvt. Ltd. & Ors.
Vs
Reserve Bank of India & Ors.

Mr. Siddhartha Banerjee,
Mr. Shaunak Ghosh,
Ms. Saheli Sen,
Mr. Rajib Mullick.
... For the Petitioners.

Mr. Pijush Kr. Ray,
Mr. Soujanya Bandopadhyay.
.....for respondent no.2 to 7.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned show-cause notice by raising a question of law relating to the jurisdiction of the authority being Secretary, the Non-cooperative Borrowers Identification Committee, who has issued the impugned show-cause notice by contending that no such post exists at all and not even contemplated under the relevant Masters Circular issued by the RBI. By the order of this Court dated 14th September, 2023, learned advocate appearing for the respondent bank was asked to produce sufficient documents to show the existence of such post and that the authority who issued such impugned show-cause notice has no

jurisdiction to issue the same, to which learned advocate appearing for the respondent could not satisfy this Court by any document that any such post exists and that the authority issued the impugned show-cause notice has got such jurisdiction.

Considering the facts and circumstances of the case, I am of the view that calling for affidavits will not improve the record and any case by the respondent bank and I am also of the view that the question of law raised by the petitioner with regard to the jurisdiction of the authority concerned in issuance of such impugned show-cause notice is sustainable in law even without going into the merit of the case, is liable to be set aside with liberty to the authority concerned to proceed against the petitioner afresh in accordance with law.

Accordingly, this writ petition being WPA 12282 of 2023 is disposed of.

(Md. Nizamuddin, J.)