D/L. 9.
July 24, 2023.
MNS.

WPA No. 16139 of 2023

Rotaract Club of Central Calcutta
Vs.
The State of West Bengal and others

Mr. Shayak Chakraborty,
Mr. Abdul Zahin,
Mr. Amartya Basu,
Ms. Sohini Samanta,
Mr. Siraj Munil

…for the petitioner.

Mr. Pantu Deb Roy,
Mr. Jaladhi Das

…for the State.

Mr. Animesh Sanyal

…for the Canara Bank.

Affidavit-of-service filed in Court today be kept on record.

Learned counsel for the petitioner contends that the petitioner's Savings Bank Account (SB A/c) with the respondent no. 2-Bank was frozen all on a sudden, without prior intimation to the petitioner. Only subsequent thereto, the intimation was given that the petitioner was to deposit Know Your Customer (KYC).

Even after complying with such formalities, it has been communicated from the end of the Bank that the petitioner's account is coming under accounts which are ineligible on the SB Account list, for which the same was frozen. The petitioner was requested to open a Current Account to complete the procedure.

Learned counsel appearing for the Bank submits that, as per Reserve Bank of India guidelines, the petitioner could not be permitted to hold SB A/c, being an unregistered Association. That apart, certain other formalities also had to be complied with by the petitioner.

Although it is not evident as to what guidelines were relied on by the respondent-Bank, on instruction, learned counsel for the petitioner submits that the petitioner is agreeable to shift the entire amount lying with the SB A/c temporarily to a Current Account, to be opened in the respondent no. 2-Bank itself, subject to the rider that the Bank shall permit the petitioner to operate such account independently thereafter in whatever manner.

Learned counsel for the Bank submits that there is no restriction in shifting the entire amount lying in the SB A/c amount of the petitioner to a

Current Account to be opened by the petitioner with the Canara Bank.

In such view of the matter, WPA No. 16139 of 2023 is disposed of by directing the respondent no.2-Bank to permit the petitioner to open a Current Account with the said Bank, that is, the Canara Bank, Gariahat Branch, and, immediately thereafter, to shift the entire amount lying in the present SB A/c of the petitioner with the said bank to such current account.

It is made clear that nothing in the freezing order shall prevent either of the parties from complying with the above direction.

Upon the said formalities having been complied with within one week thereafter, the respondent no.2-Bank shall intimate the petitioner as to what are the formalities, which are required to be mandatorily complied with by the petitioner for the purpose of being rendered eligible to open a Savings Bank Account with the respondent no. 2-Bank.

The petitioner will be at liberty to act on the same or otherwise, at its choice. It is further clarified that upon opening of the Current Account and shifting of the SB amount to the same, it will be open to the petitioner to deal with such money lying in the Current Account as per the choice of the petitioner and in accordance with law.

It is further clarified that the respondent no. 2-Bank, immediately upon opening of the Current Account and the shifting of the amount of the petitioner lying with the SB A/c to the same, take necessary steps for linking the fixed deposits and other deposits of the petitioner, which are linked with the SB A/c at present, with the Current Account to be opened by the petitioner.

However, such re-linking of all deposits of the petitioner linked with the SB A/c to the Current Account, will be subject to further steps being taken by the petitioner in accordance with law. Such re-linking shall be completed as expeditiously as possible, positively within three weeks from the opening of the Current Account.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)