

27th February, 2023
(D/L No.25)
(SKB)

W.P.A. 20556 of 2022

Smt. Piyali De
Versus
The Punjab National Bank and others

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya
... for the petitioner.

Ms. Parna Roy Chowdhury,
Mr. Avishek Chowdhury
... for the Bank.

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar
... for the respondent no.5.

By an order dated 30th November, 2022, the order passed by this court on 14th November, 2022 was set aside by the Division Bench and the court was directed to take a fresh decision in the matter after affidavits. The Division Bench also directed the writ petition to be decided expeditiously.

The affidavits are now before Court.

Learned counsel appearing for the Bank prays for an adjournment despite the direction of the Division Bench. The order was passed on the appeal filed by the Bank.

At the outset, it should be recorded that none of the points which were raised by the Bank before the Appeal Court were raised before this court on 14th November, 2022. It is inconceivable that this Court would not record the arguments of counsel including on points of law and would dispose of a matter summarily without dealing with the arguments.

Counsel for the Bank most certainly did not argue the bankers' lien or the Master Circular of the Reserve Bank of India before this Court on 14th November, 2022.

Hence, it is indeed unfortunate that the Bank gave the impression to the Appeal Court that this Court refused to go into the merits of the matter before directing the Bank to return the title deeds to the petitioner. The Bank did not make any arguments on merits or place the documents mentioned by the Appeal Court. There was hence no scope for dealing with the merits of the case. Learned counsel for the Bank had consented to have the writ petition disposed of on 14th November, 2022.

The position of the Bank before the Appeal Court is shocking and is in extreme bad taste. This kind of practice needs to be strongly deprecated.

However, since the petitioner is willing to take back the amount deposited to the Bank on 15th and 16th November, 2022 pursuant to the orders passed by this court and counsel for the Bank is agreeable to return the said amount to the petitioner, W.P.A.20556 of 2022 is disposed of with a direction on the Bank to return the amount deposited by the petitioner amounting to Rs.13,63,557/- within 48 hours from the date of communication of this order. The Bank will send the money to the petitioner through RTGS as suggested by counsel appearing for the parties.

(Moushumi Bhattacharya, J.)