

ORDER SHEET

WPO/181/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MANOJ TOSHNIWAL
VERSUS
IDBI BANK LTD. AND ORS.

Wt5

WPO/182/2023
RAMESH CHANDRA BARDIA
VERSUS
IDBI BANK LTD AND ORS.

Wt6

WPO/183/2023
SUNITA BARDIA
VERSUS
IDBI BANK LTD AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : March 23, 2023.

Appearance:

Mr. Mainak Bose, Adv.
Mr. Siddhartha Banerjee, Adv.
Mr. Rishav Karnani, Adv.
Mr. Naman Chowdhury, Adv.
Mr. Pranav Sharma, Adv.

Ms. Soni Ojha, Adv.
Ms. Sonia Nandy, Adv.

The Court: The petitioners have challenged a notice dated 9th January, 2023 by which the petitioners have been directed to show cause on certain factual allegations made by the Bank within a certain time-frame. The apprehension of learned counsel appearing for the petitioners is that the earlier proceedings, consequent upon a show-cause notice dated 1st February, 2021, is pending before the Review Committee of the Bank and

that the Bank has issued the impugned show-cause notice dated 9th January, 2023 utilising the defence of the petitioners in the earlier proceedings. Counsel submits that both the proceedings cannot go on together.

Learned counsel appearing for the Bank submits that the earlier show-cause notice dated 1st February, 2021 has been withdrawn by the Bank. Counsel submits that the present show-cause notice is on an entirely different and new cause of action.

Whatever be the factual similarities and differences between the two show-cause notices, the position of the Bank makes it clear that the earlier show-cause notice dated 1st February, 2021 has been withdrawn and, hence, all proceedings taken pursuant thereto have been jettisoned by the Bank. Hence, as of today, there are no proceedings pending pursuant to the earlier show-cause notice dated 1st February, 2021.

If that be the case, the present proceeding is only about the show-cause notice dated 9th January, 2023. The petitioners have simply been directed to respond to the impugned notice within a certain time-frame. Nothing more has happened after the impugned show-cause notice.

This Court is hence of the view that the petitioners should take steps pursuant to an action being taken under the show-cause notice, if the petitioners are so advised. This Court cannot go into the legality of the show-cause notice since the notice has not crystallised into proceedings or culminated in an order which warrants interference by the Writ Court.

WPO/181/2023, WPO/182/2023 and WPO/183/2023 are accordingly disposed of in terms of the above.

Since the time-frame of 15 days has already expired, the petitioners shall respond to the show-cause notice within three weeks from today.

(MOUSHUMI BHATTACHARYA, J.)

sg.