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WPO/1048/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BLAZING STAR INFRASTRUCTURE PVT LTD.
VS
UNION BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 24st July, 2023.

Appearance:
Mr. Subir Banerjee, Adv.
Mr. Debanandan Bhattacharyya, Adv.
Mr. Bankim Sarkar, Adv.
...for the petitioner.

The Court: - Learned Counsel for the petitioner submits that, subsequent to freezing of the account of the petitioner's company, an order was passed by the National Company Law Tribunal (NCLT) on November, 14, 2022, whereby the Registrar of Companies was directed to restore the original status of the petitioner company, as if the name of the company had not been struck off from the register of companies, with the resultant and consequential action of changing status of the petitioner company from 'Struck Off' to 'Active'.

Learned counsel for the petitioner contends that the freezing of the company's account took place as a consequence of its name being struck off from the register of companies.

It is submitted that since the premise of the freezing of the account of the petitioner was, thus, obliterated, reversing the position of the petitioner to its original status, the act of freezing of the account should also be reversed.

Despite service, none appears for the respondents. Affidavit of service filed today be kept with the record.

Since there is substance in the contention of the petitioner, as it transpires from the copy of the order dated February 14, 2022 annexed to the writ petition, WPO/1048/2023 is allowed, thereby directing the respondent bank, that is, the Union Bank of India to de-freeze the account of the petitioner immediately, upon communication of this order to the respondent no.1. Respondent no.1 shall, in order to comply with this direction, act on a server copy of this order, without insisting upon prior production of a certified copy of the order.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

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