

OD 2 & 3

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1141/2023

SANJAY PRAKASH BANSAL AND ANR.
VS
THE RESERVE BANK OF INDIA AND ORS.

AND

WPO/1143/2023

SANJAY PRAKASH BANSAL AND ANR.
VS
THE RESERVE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 9th June, 2023.

Appearance:

Mr. Suddhasatva Banerjee, Adv.

Mr. Avirup Chatterjee, Adv.

. . .for the petitioners.

Mr. Arjun Mookerjee, Adv.

Mr. Sourjya Roy, Adv.

. . .for the UCO Bank.

The Court: The present petitioners have challenged a declaration of the willful defaulter by the Identification Committee on several scores. Apart from the argument that the show cause notice issued for such a hearing was vague in the absence of disclosure of particulars, learned counsel has also argued, inter alia, that all the documents relied on by the Committee were not supplied to the

petitioners prior to the hearing, in particular the forensic audit report which forms the plinth of the decision of the Committee, which would have enabled the petitioners to effectively argue the matter and present its case.

Learned counsel appearing for the respondent authorities, in his usual fairness, upon instruction, submits that the documents in question, including the forensic audit report, were not handed over to the petitioner or served on the petitioners prior to the hearing.

Hence, instead of going into the merits of the matter and prejudging the same at this stage, it would be best for all concerned if the matter is remanded for de novo consideration to the Identification Committee for the purpose of giving a fresh hearing to the petitioners upon prior service of copies of all documents, including the forensic audit report on which the Committee intends to rely for adjudicating the issue.

Accordingly, WPO 1141 of 2023 and WPO 1143 of 2023 are disposed of by setting aside the declaration of willful defaulter of the petitioners and remanding the matter to the Willful Defaulter Identification Committee for the purpose of giving a fresh hearing to the petitioners, upon prior service of copies of all documents, including the forensic audit report on which the Committee intends to rely, sufficiently in advance of the date of hearing. Such copy shall be served on the petitioners, preferably within a fortnight from the date.

Simultaneously with the service of copy, the Committee shall fix a date for the petitioners to file their rejoinder/objection, if any. Thereafter, the committee shall fix a specific date, time and venue for hearing the petitioners on their rejoinder/objection and decide the issue in accordance with the law.

It is made clear that the entire exercise shall be concluded by the willful defaulter Identification Committee as expeditiously as possible, positively within two months from this date.

It is made clear that the merits of the contentions raised by the parties have not been gone into and it would be open to the Identification Committee to adjudicate all issues independently and in accordance with law without being swayed in any manner by any of the observations made herein.

(SABYASACHI BHATTACHARYYA, J.)

SP/