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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1770/2023

M/S. RANGOTSAV LIFESTYLE PVT. LTD. AND ORS
VS
CANARA BANK AND ORS

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 08th November, 2023.

VACATION BENCH

Appearance:
Mr. Sakya Sen, Adv.
Mr. Abhirup Chatterjee, Adv.
Mr. Rishov Das, Adv.
..for the petitioners

Ms. A. Rao, Adv.
..for the respondents.

The Court: 1. The present writ application has been filed, inter alia, challenging the order dated 30th August, 2023 and the communication dated 25th October, 2023 whereby the petitioners have been declared to be wilful defaulters.

2. Mr. Sen, learned Advocate representing the petitioners, by placing reliance on the document at page 31 being Form No. INC-22, submits that notwithstanding the registered office of the petitioner No. 1 having changed with effect from 23rd December, 2019, the respondents have proceeded to issue notices at the previous address. Without issuing any show cause and/or without there being any effective adjudication, the petitioners have been declared to be wilful defaulters.

3. Ms. Rao, learned Advocate representing the respondent bank, on the other hand, submits that the respondents have from time to time issued notices on the petitioners and such notices have also been addressed to the Directors of the petitioners and as such the petitioners were all along aware that they had been declared as wilful defaulters.

4. Notwithstanding the aforesaid, the petitioners have chosen not to object to the same and have also not responded to the show cause notices. She, however, candidly submits that the aforesaid show cause notices have all been addressed to the registered office to the petitioners at 41A, A.J.C Bose Road, Kolkata-700017, which incidentally had been changed with effect from 23rd December, 2019. Having regard to the technical flaw in service of show cause notices, she submits that the respondent bank may be permitted to initiate the proceedings for declaration of the petitioners as wilful defaulters afresh.

5. Heard learned advocate appearing for the respective parties.

6. Since, it has been candidly submitted by the learned Advocate representing the respondent bank that the petitioners have not been properly served and since, the respondent bank is ready and willing to initiate the proceedings afresh, I am of the view that the order dated 30th August, 2023 and the notice dated 25th October, 2023 cannot be sustained the same are set aside and quashed.

7. The aforesaid order shall, however, not prevent the respondent bank from proceeding afresh against the petitioners in accordance with law after due service of show cause notices on the petitioners.

8. At this stage, Mr. Sen submits that the registered office of the petitioner No. 1 at 391, Block – G, New Alipore, Kolkata-700053 has already been taken possession of by the respondent bank. Having regard to the aforesaid it is submitted that the respondent bank may serve on the petitioners at the respective addresses of the petitioner Nos. 2 and 3. It is further submitted that service of notice on the petitioner No. 1 at the address of the petitioner Nos. 2 and 3 shall be deemed to be good service.

9. Having regard to the aforesaid, I permit the respondent bank to cause service of show cause notice on the petitioner No. 1 at the addresses of the petitioner Nos. 2 and 3 provided in the cause title of the petition.

10. WPO No. 1770 of 2023 is disposed of in terms of the above.

11. There shall be no order as to costs.

12. All parties to act on the server copy of this order.

(RAJA BASU CHOWDHURY, J.)