

D/L.16.
May 22, 2024.
MNS.

WPA No. 14081 of 2024

M/s Swarthak Resolutions and Security
Services and another

Vs.

The Reserve Bank of India and others

Mr. Avirup Mondal,
Mr. Anindya Sundar Das,
Mr. Shaunak Ghose,
Mr. Ratul Deb Banerjee,
Mr. Subrata Mondal,
Mrs. Paramita Mondal

... for the petitioners.

Mr. Pankaj Kumar Mukherjee

...for the PNB.

1. Affidavit-of-service filed in Court today be kept on record.
2. The prayer of the writ petitioners is innocuous.
3. The petitioners acted as recovery agent of the respondent-bank. Initially the respondent-bank has been clearing the dues of the petitioners. It is argued that till date, such dues have been paid. However, the services of the petitioners have been terminated, prompting the petitioners to prefer the present writ petition despite. Demand justice having been given by the petitioners, no reply has been given by the bank in that regard.
4. Learned counsel for the bank makes several allegations against the petitioners and hands over a copy of a First Information Report (FIR)

registered on the complaint of the bank against the petitioners on the allegation of the petitioners have committed theft of movables on a property recovered by the petitioner no. 1 as an agent of the bank.

5. It is contended that in view of such allegations and the counter-claims of the bank against the petitioners, there arises no question of the petitioners' services being continued further.
6. Learned counsel for the petitioners seeks to use a supplementary affidavit, *inter alia* incorporating the documents handed over in court today and to show that contrary to the submission of the *bank*, the bank is still going on paying the dues of the petitioners.
7. Since disputed questions of facts are involved and as the bank is not yet to give a proper reply to the demand justice of the petitioners, it would be premature at this juncture to enter into the issues involved now.
8. Since the petitioners submit that the petitioners would be satisfied with a reply of the bank to the demand justice of the petitioners at this stage, there is no use in keeping the writ petition pending further.
9. Accordingly, WPA No. 14081 of 2024 is disposed of by directing the respondent-bank to decide on the representation given by the

petitioner annexed to the writ petition as expeditiously as possible, preferably within four weeks from date, upon giving an opportunity of hearing to the petitioners and giving sufficient opportunity for the petitioners to furnish relevant documents, if any.

10. It is made clear that the merits of the claims and the counter-claims of the parties and the allegations have not been gone into on merits by this court at this stage and it will be open to the bank to decide the issues independently in accordance with law.

11. In the event the petitioners are further aggrieved by the outcome of the hearing, it will be open to the petitioners to prefer a challenge before the appropriate forum in accordance with law.

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)