

AD-07
Ct No.09
28.02.2024
TN

WPA No. 16532 of 2021

Smt. Sudipta Dutta and another
Vs.
The Reserve Bank of India and others

Mr. Tanoy Chakraborty,
Mr. Chhandak Dutta

.... for the petitioners

Mr. Ayan Kumar Boral,
Mr. Archan Dutt

.... for the respondent no.5

- 1.** Affidavits-of-service filed today be kept on record.
- 2.** The present writ petition is virtually to implement an order dated March 01, 2021 passed in WPA 8999 of 2020, whereby the respondent nos. 5 and 7 therein, including the present respondent-Bank (HDFC Bank), were directed to release the accounts-in-question to permit the petitioners to operate the accounts of Swapna Dutta, as mentioned in the schedule of the succession certificate, which was annexed at page-21 of the said writ petition, as heirs of Swapna Dutta.
- 3.** Learned counsel for the Bank has the gumption to seek liberty to file an affidavit-in-opposition to “explain” as to why the Bank did not comply with the specific direction of this court. The court is rather surprised at the audacity of the said respondent, since over and above not having complied with the direction of this court, which still stands in the absence of any appeal against

it, the Bank seeks to “explain away” such violation of the court’s order.

4. There is no question of this court directing further affidavits in the matter, since the issue has already attained finality and any further adjudication on the same shall be barred by the principle of *res judicata*. The order dated March 01, 2021 in WPA 8999 of 2020 is palpably clear, directing the respondents to permit the petitioners to operate the accounts of Swapna Dutta which was required to be complied with long back by the respondents.
5. Having not done so, the respondents are directed to positively comply with the order dated March 01, 2021 passed in WPA 8999 of 2020 to the letter within a week from date.
6. In the event such order is not complied with by the respondent-Bank, the petitioners will be at liberty to file a contempt application.
7. The respondent no. 5 herein, that is, the Manager, HDFC Bank Ltd., shall pay costs of Rs. 50,000/- to the petitioners within a week from date for the harassment caused to the petitioners due to non-compliance of the previous order of this court dated March 01, 2021. Upon such payment of costs, the Bank, that is, the HDFC Bank Ltd. will be at liberty to deduct the said amount of costs from the next month’s salary of the

respondent no.5, that is, the Manager of the HDFC Bank Ltd.

- 8.** The parties shall act on the written communication of the learned Advocate-on-record for the petitioners, coupled with a server copy of this order, without insisting upon prior production of a certified copy thereof for the purpose of compliance.
- 9.** WPA No. 16532 of 2021 is, accordingly, disposed of.
- 10.** There will be no order as to costs.
- 11.** 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.)