18
20.11.2024
Ct. 14
AGM

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20562 of 2024

Joydev Panda
-versus
The Reserve Bank of India & Ors.

Mr. Sounak Bhattacharya.
Mr. Abhirup Halder.
...For the Petitioner.

Mrs. Suchishmita Ghosh Chatterjee.
... For the respondent nos. 1 and 2.

Ms. Soni Ojha.
Ms. Sambrita B. Chatterjee.
... For the respondent nos. 3 and 4.

1. Affidavit-of-service filed today in Court be kept with the records.
2. The petitioner's bank account with the Bandhan Bank, Charial Bazar Branch has been frozen. The petitioner is aggrieved by the same.
3. A complaint was lodged before the Branch Manager of the Bank and thereafter before the banking ombudsman. The Reserve Bank of India by an e-mail communication dated 26th July, 2024 intimated the petitioner that his complaint has been closed in RBI-CMS.
4. The petitioner was also forwarded with a mail communication on 30th July, 2024 intimating him that the freezing took place in compliance of the instruction received from the law enforcement agency. The petitioner was directed to contact the Police Inspector (Crime), Kharghar PS Navi Mumbai

at the e-mail mentioned therein for further clarification.

5. According to the petitioner, he has not been made aware of any criminal proceeding pending against him. No order of freezing by any Court of law was ever intimated to him.
6. Learned advocate representing Bandhan Bank relies upon a communication dated 3rd January, 2024 by the Kharghar PS addressed to the nodal officer of the Bandhan Bank intimating that the Kharghar PS, Navi Mumbai is investigating a case registered vide Cr. No. 428/2023 under Section 420 IPC read with Section 66 (d) of the IT Act, 2000 alleging online fraud.
7. The account of the petitioner has been misused by unknown accused person by forcing the complainant to deposit an amount of Rs.4,49, 923/-. The details of the bank account of the petitioner for further investigation were required and freezing of the account was called for on an urgent basis to prevent further crime.
8. Learned advocate representing the Reserve Bank of India relies upon the Reserve Bank-Integrated Ombudsman Scheme, 2021 meant for resolving customers grievance in relation to the services provided by the entities regulated by the Reserve Bank of India.
9. It has been submitted that on receipt of the complaint from the petitioner, immediate action was taken. The freezing took place only because the police is investigating into a fraud where the bank details of the petitioner have been used.
10. The petitioner has averred in the writ petition that he is the proprietor of a lottery business. The bank account of the petitioner has been found to be involved in some type of criminal offence and online

fraud activity. The details of the case number and the investigating officer of the subject case have been made known to the petitioner. Passing order for de-freezing the bank account of the petitioner may not be proper at this stage.

11. It will be open for the petitioner to approach the forum where the criminal proceeding is pending for necessary relief.

12. The writ petition stands **disposed of**.

13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)