

OD-13

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO /595/2024

SUNIT PANDEY
VS
RESERVE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 9th July, 2024

Appearance:
Mr. Sakya Sen, Adv .
Mr. Reetobroto Mitra, Adv.
Mr. Sunil Kr. Gupta, Adv.
Ms. Parna Mukherjee, Adv.
...for the petitioner

Mr. Mayukh Mukherjee, Adv.
...for the respondent no. 6

The Court : Affidavit-of-service is taken on record.

Despite service, none appears on behalf of the Reserve Bank of India.

The petitioner lodged a complaint before the Reserve Bank of India against the action taken by the Branch Manager, HDFC Bank, Mukundpur Branch, by converting the company's current account to an FD account and thereafter blocking the current account unilaterally, without any intimation to the petitioner. The

petitioner along with the respondent no. 6 were the directors and authorised signatories of Meganova Constructions Private Limited.

Learned Advocate for the respondent no. 6 submits that the petitioner had made certain allegations against the said respondent and had filed a complaint. The police authorities registered an F.I.R. The said criminal proceedings have been stayed. Thus, the writ petition should not be entertained on the self-same allegations.

Learned counsel for the HDFC Bank submits that the resolution of the company and the instructions given to the bank permitted the bank to take such steps.

This writ petition is not directed against the respondent no. 6. The only issue is whether the HDFC Bank and the particularly the officers, acted within their jurisdiction and as per the regulations while converting the current account of the company to a fixed deposit account and in blocking the same without any intimation to the petitioner who was also an authorised signatory of the company.

The writ petition is disposed of directing the Regional Director, Reserve Bank of India to decide the representation of the writ petitioner dated June 26, 2024, filed through his learned Advocate. The decision shall be rendered by the said authority in accordance with law, upon hearing the petitioner and the bank

authorities. As this proceeding has nothing to do with the criminal proceeding which is pending, the respondent no. 6 may also address the Regional Director in this regard. Necessary order shall be passed by the said Regional Director which shall be communicated to all concerned. The entire exercise shall be completed within a period of two months from the date of communication of this order.

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

(SHAMPA SARKAR, J.)

sg/kc.