

WPO/670/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IDEAL UNIQUE REALTORS PRIVATE
LIMITED AND ORS.

-VERSUS-

RESERVE BANK OF INDIA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 1st August, 2024.

Appearance:

Mr. Jishnu Saha, Sr. Adv.

Mr. Sourojit Dasgupta, Adv.

.... for the petitioner.

Mr. Utpal Bose, Sr. Adv.

Ms. Suchismita Ghosh, Adv.

...for the Bank.

The Court: The petitioners are engaged in the business of real estate. The petitioners availed a credit facility from the Yes Bank. The loan account of the petitioner was declared NPA. The bank initiated proceedings to declare the account as fraud. The proceeding was concluded. The petitioners have challenged such declaration.

Mr. Saha, learned senior advocate contends that the decision of the bank is vitiated being violative of the principles of natural justice. The forensic internal audit report which was relied upon by the bank was not furnished to the petitioners. Hence, all steps taken by the bank should be set aside.

Mr. Bose, learned senior Advocate appearing for the bank submits that the proceedings, at the end of the bank, is over. All the documents along with the findings and observations of the bank have been forwarded to the Reserve Bank of India for its approval and no further steps remained unfulfilled at the end of the bank. He also denies the allegation that the decision was taken by the bank in violation of the principles of natural justice, as three notices had been issued to the petitioner, but the petitioner chose not to appear before the bank during the proceedings.

Having heard learned Advocates for the respective parties, this Court directs that a copy of forensic internal audit report and the findings of the bank shall be handed over to the petitioner within two weeks from date of communication of this order. The petitioner will be entitled to use a reply to the same within two weeks from receipt of the report. The Reserve Bank of India will give a hearing to the petitioner and pass a reasoned order. All points, including the question of denial of the principles of natural justice, shall be available to the petitioner at the time of disposal of the matter before the Reserve Bank of India. The Reserve Bank of India shall grant an opportunity of hearing as the petitioners have not been able to place their case before the bank.

With the above direction, WPO/670/2024 stands disposed of.

Learned Advocate-on-record for the petitioner is at liberty to communicate this order to the Reserve Bank of India.

(SHAMPA SARKAR, J.)

A/s.