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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1903/2023

M/S. RANGOTSAV LIFESTYLE PVT. LTD. AND ORS.
VS
CANARA BANK AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 24th January, 2024.

Appearance:
Mr. Arijit Bardhan, Adv.
Mr. Avirup Chatterjee, Adv.
Mr. Prasenjit Pal, Adv.
Mr. Rishav Das, Adv.
... for the petitioner.

Ms. Aparajita Rao, Adv.
Mr. S. Roy, Adv.
... for the respondent.

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

The writ petition involves a short point as to whether the impugned show cause notice dated December 14, 2023 is a proper show cause notice within the contemplation with the Master Circular issued by the Reserve Bank of India for Identification of Willful Defaulters.

Learned Counsel for the petitioner argues that no particulars of the allegations against the writ petitioner, nor any documents, have been furnished with the show cause notice to the petitioner to enable the petitioner to effectively contest the same.

Learned Counsel for the bank submits that the writ petition is premature, since it is open to the petitioner to take all its objections in the reply to the show cause which is required to be given by the petitioner.

That apart, learned Counsel for the respondents, in her usual fairness, submits that if given a brief opportunity, the bank is willing to hand over the relevant documents, in particular the forensic audit report on which the bank relies, to the petitioner to enable the latter to contest the show cause notice effectively.

A bare perusal of the impugned show cause notice indicates that the relevant provisions of the Master Circular have merely been quoted therein as reasons for willful default, without mentioning the particulars or the exact incidents which led to the bank to form a prima facie opinion for the purpose of issuance of the show cause notice as contemplated under the concerned Master Circular of the Reserve Bank of India.

Moreover, it is obvious that no document has been referred to or copies of documents proposed to be relied on by the Bank have been given to the petitioner, which also vitiates the show cause notice *ex facie*.

In such view of the matter, WPO/1903/2023 is allowed on contest, thereby setting aside the show cause notice, granting liberty to the respondents, however, be initiate fresh action under the Reserve Bank of India Master Circular for Identification of Willful Defaulters afresh, upon issuance of a further show cause notice giving full particulars of the exact allegations against the petitioner to subject the petitioner to the confines of the Master Circular.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

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