IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10109 of 2024

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Asharfi Mukhiya Son of- Late Meghu Mukhiya Resident of village- Surmaha, Ward No. 6, Police Station- Shorbazar, District- Saharsa, State- Bihar.

... Petitioner

Versus

1. The State Bank of India through the Zonal Manager, Patna.
2. The Zonal Manager, State Bank of India, East Zone, Patna.
3. The Regional manager, State Bank of India, Saharsa.
4. The Branch Manager, State Bank of India, Dhabauli, Darbhanga Branch, Madhepura, State- Bihar.
5. The Regional Manager, IndusInd Bank Ltd, Regional Office, Bihar and Jharkhand, Markandey Complex Gayatri Mandir Road, Kankarbagh Patna-800020.
6. The Branch Manager, Indusind Bank, Branch- Ramnagar, Ground Floor 108, Talgachari, PO and PS- Ramnagar, District- Purba Midanapore, State- West Bengal, PIN Code 721441
7. The Reserve Bank of India, through its Regional Manager, Patna.

... Respondents

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Appearance :

For the Petitioner	:	Mr.Saroj Kumar, Adv.
For the RBI	:	Mr.Rajesh Ranjan, Adv.
For the SBI	:	Mr. B.B. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

8 16-04-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

(i) Whether the impugned action of the respondents is arbitrary and hence violative of Article 14 of the Constitution of India?

(ii) Whether the Respondents are acting in violation of the principles of natural justice?

(iii) Whether the impugned action of the respondents is

contrary to legitimate expectation?

(iv) Whether the impugned action of the respondents violates Article 19(1)(g) as it directly affects the petitioner's right to carry his business?

(v) Whether the impugned action of the Respondents is illegal, unjust and unlawful?

3. Learned counsel for the petitioner has stated that an amount of Rs.80,000/- has been transferred from the State Bank of India account of the petitioner to another account through NEFT. However, instead of transferring the amount to the correct person, the Respondent-State Bank of India has transferred the amount to a third party account. Learned counsel has stated that tough the petitioner has been doing the round of the Bank the amount of Rs.80,000/- has not been reverted to the petitioner. Learned counsel therefore seeks a direction from this Court to Respondent-Indusind Bank to transfer the amount of Rs.80,000/- back to his account along with the interest.

4. Per contra, the learned counsel appearing on behalf of the State Bank of India has stated that due to mistake committed by the petitioner himself the amount of Rs.80,000/- was credited to an account bearing no. 201004001639 instead of the targeted account no. 201004006771. Counsel has stated that immediately after coming to

know about the mistake committed by the petitioner, the authorities has also written to the Indusind Bank in which the said amount has been credited and the payment is stopped. Learned counsel appearing on behalf of Indusind Bank has stated that in the counter affidavit filed by the Respondent-Indusind Bank it is specifically stated that in case the State Bank of India authorities furnish indemnity letter they are ready to revert back the amount of Rs.79,995.28 back to the State Bank of India. further the learned counsel has stated that the Respondent-Bank-State Bank of India was informed about the need to submit a recall letter containing indemnity clause vide E-mail dated 17.05.2021 and thereafter also several reminders were sent. However, till date they did not receive any recall letter containing the indemnity clause. Learned counsel has stated that they are willing to re-deposit the amount received by them provided the Respondent-State Bank of India issues a recall letter containing the indemnity clause.

5. Having regard to the above mentioned facts and circumstances and also the statements made by the learned counsels appearing on behalf of the Respondent-State Bank of India, the authorities of the Respondent-State Bank of India are directed to furnish the recall letter containing the indemnity clause to Indusind Bank as expeditiously as possible preferably within a period of ten days from today. On receipt of the said letter the Indusind Bank shall

revert back the amount to the credit of the petitioner herein immediately within a period of one week thereafter. Even though the counsel for the petitioner has sought interest on the amount of Rs.80,000/- this Court is not inclined to grant any interest on the same having regard to the fact that the amount was transferred at his behest to the account bearing no. 201004001639 and the said mistake is not attributable to the Bank. However in case there is any delay on the part of the State Bank of India or the Indusind Bank in reverting back the above amount within the time frame fixed by the Court, the petitioner would be entitled to simple interest at the rate of 6% per annum from the date of transfer till the date of actually credited back the said amount to the account of the petitioner.

6. With the above directions the Writ Petition stands closed.

(A. Abhishek Reddy , J)

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