

19-05-2025
Item No.29
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.852 of 2025

Sanjoy Singh

-vs-

Manager Indian Bank, Maniktala Branch & Ors.

Ms. Rita Mukherjee
Mr. Rowsan Kumar Jha
Mr. Anousko Das ...for the petitioner

Mr. Shashwat Nayak
Mr. Debasish Chakraborty
Mr. Snehasish Chakraborty ...for the bank

Mr. Aniruddha Bagchi
Mr. Amal Kumar Datta ...for the Union of India

1. The petitioner is aggrieved as the bank has kept on hold the loan amount of rupees twenty lakh on the grounds that the bank account of the petitioner's wife had some fraudulent transaction. According to the petitioner, there is no allegation against him about any illegal or fraudulent transaction. Only because the bank account of the petitioner's wife was found to be involved in certain transactions which are under investigation by the CGST department, the bank has put on hold the loan amount of the petitioner.
2. Affidavit filed by the bank discloses that the bank is willing to remove the hold, if the petitioner submits no-objection certificate of the provisional attachment of the petitioner's wife's account from the concerned department.
3. I have heard the respective submissions advanced on behalf of the parties and have perused the

materials on record.

4. Admittedly, it appears that the loan account of the petitioner has not been found to be involved in any type of fraudulent transaction, and that there is no restraint order in respect of the loan account of the petitioner from any authority whatsoever.
5. The petitioner's wife has an independent loan account and a bank account. The same may have been under investigation but it cannot be a reason for put on hold the loan account of the petitioner in respect of which there is no adverse remark from any quarter. It was absolutely improper for the bank to restrain the petitioner from utilizing the loan amount.
6. In view thereof, the instant writ petition is allowed by directing the Manager, Indian Bank, Maniktala Branch, Kolkata to immediately remove the hold put on the loan account of the petitioner and permit him to operate the loan account in accordance with law.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

