

10.09.2025
Court No.13
Item No.17
sp

MAT 178 of 2025
With
CAN 2 of 2025

Multiway Dealers Private Limited and Anr.
Vs.
Punjab and Sind Bank and Ors.

Mr. Mainak Bose, Id. Sr. Adv.
Mr. Meghajit Mukherjee,
Ms. Rishika Goyal,
Ms. Rishika Goya,
Ms. Sonia Das.

... For the Appellants.

Mr. Swapan Kr. Sahoo,
Ms. Mahuya Ghosh,
Mr. Sanjib Ghosh,

... for the Punjab and Sind Bank.

Ms. Suchishmita Ghosh

... For the Respondent No.3.

Mr. Srijib Chakraborty,
Mr. Anup Dasgupta.

... For the Union of India.

1. The appeal is directed against judgment and order dated 30th July, 2024 passed by a Single Bench of this Court.

2. In the writ petition it is alleged that the Punjab and Sind Bank has refused to encash and return deposit accounts of the appellants on the ground that the same were initially charged and subsequently encashed and adjusted towards the outstanding dues of a third party.

3. The appellants/writ petitioners approached the Reserve Bank of India with a complaint which was referred to the Banking Ombudsman but the Ombudsman did not take any steps in the matter.

4. Mr. Mainak Bose, learned Senior Advocate, appearing for the appellants would argue that the resolution based on which the bank alleges that the deposit accounts were charged a security for a loan given to a third party are ex facie forged, fake and fictitious.

5. A plain reading of the pleadings in the writ petition and the affidavit-in-opposition filed before the Single Bench indicate that there are several disputed questions of facts that are required to be decided by an appropriate trial on evidence. The appellants in essence having alleged fraud, makes the matter all the more civil in nature that requires to be decided after receiving effective oral and documentary evidence.

6. In the backdrop of the above, this Court is of the view that the appellants/writ petitioners may approach the Civil Court having jurisdiction over the matter as expeditiously as possible to seek remedy of their grievances against the Punjab and Sind Bank.

7. It is made clear that if such proceedings are not filed within a period of three months from date, the bar of limitation shall not apply to such suit. It shall be

construed as if the appellant was pursuing mistaken judicial proceedings shall be entitled to the benefit of Section 14 of the Limitation Act, 1968.

8. With the aforesaid observations, MAT 178 of 2025 shall stand disposed of.

9. Consequently, all connected applications, if any shall also stand disposed of.

10. There shall be no order as to costs.

11. In the order dated 18.08.2025, the cause title is corrected to indicate the name of the respondents 'Punjab and Sind Bank and Ors.'

12. Let the aforesaid correction be incorporated in the order dated 18.08.2025.

13. The other parts of the said order shall remain unaltered.

14. The Department is directed to make necessary corrections.

15. All the concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

