09-09-2025
Item No.30
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.11397 of 2024
Rajdeep Karmakar
-vs-
ICICI Bank Limited & Ors.

Mr. Guddu Sisngh, adv.
Ms. Ankita Banerjee, adv. ...for the petitioner

Mr. Jishnu Chowdhury, sr. adv.
Mr. Sayak Ranjan Ganguly, adv.
Ms. Srijani Ghosh, adv.
Ms. Indrani Majumdar, adv. ...for ICICI Bank

Mr. Debabrata Das, adv.
Mr. A. Sarkar, adv.
Mr. Pratik Acharjee, adv. ...for RBI

1. The petitioner prays for a direction upon ICICI Bank to recover the money which was fraudulently transferred from the bank account of the petitioner.
2. In the course of hearing, it has been brought to the notice of the Court that the amount was transferred by the petitioner himself upon sharing the one time password (OTP) which was generated in his personal mobile. After forty-eight hours of the transfer of the money the petitioner seeks for recovery of the same by the petitioner's banker. The petitioner refers to the RBI Guidelines in this regard.
3. Learned counsel for ICICI Bank denies the contention of the petitioner. It has been submitted that the petitioner has obtained loan from the bank online by sharing his OTP. The petitioner, for the sole reason of not repaying the

dues, has cooked up this story of fraudulent transfer of money from his account.

4. According to the bank, the petitioner himself voluntarily transferred the said amount, and the bank is not obliged to take any steps for recovery of the money which the petitioner voluntarily transferred to some other account.

5. The petitioner denies the fact of obtaining loan from the bank by voluntary sharing OTP generated in his personal mobile.

6. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents, it appears that there are several disputed questions of fact involved in the writ petition. The very factum of fraudulent transfer of funds is denied by the bank. The recipient bank is not implied as party in the instant writ petition.

7. The Court is of the opinion that it will not be proper for the writ Court to enter into such disputed questions of facts.

8. The petitioner appears to have lodged a police complaint. It will be open for the petitioner to pursue the same with the police.

9. If the petitioner alleges deficiency of any service on the part of the bank, then there is a specific provision to deal with the same. The writ court is not the appropriate forum to adjudicate the dispute in question.

10. The writ petition fails and is hereby dismissed.

11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]