

17-09-2025
Item No.41
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.15119 of 2024

Sri Rajib Bhowmick

-vs-

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajashree Tah
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen ...for the petitioner

Mr. Shiv Mangal Singh ...for Indian Bank

Mr. Jayanta Samanta, JGA
Mr. Sougata Mitra
Mr. Arun Kumar Saha ...for the State

Mr. Ayan Kumar Boral
Mr. Debabrata Basu Roy
...for the respondent no.7

1. The petitioner is aggrieved by the reasoned order of the Fraud Examination Committee dated May 20, 2024 classifying the account of the petitioner as fraud.
2. The petitioner submits that the order impugned is not a reasoned one. It has also been submitted that the petitioner intimated the bank that they relinquished their right in the partnership firm in September 2022 and the same was approved by the bank.
3. The petitioner under wrong advice did not provide any response to the show cause notice issued by the bank. Prayer has been made to set aside the

impugned order.

4. On a perusal of the impugned order, it appears that the details of the misconduct/omission in the operation of the accounts and non-compliance of the terms and conditions of sanction are distinctly disclosed and the reason and the evidence to arrive at a conclusion that there has been misconduct/omission are also mentioned. The illegalities committed by the petitioner are also mentioned in the show cause notice. For reasons best known, the petitioner did not file any reply to the show cause notice.
5. The reasoned order records that ample opportunity was given to the borrowers/guarantors/ mortgagors to disprove the allegations leveled against him. In the absence of any denial to the allegations leveled against the petitioner, the principle of non-traverse will apply and the bank has applied the same and has declared the petitioner as fraud.
6. The Court does not find any error with the impugned order. It does not appear that there has been violation of the principle of natural justice as alleged or at all. No relief can be granted to the petitioner in the instant writ petition.
7. The writ petition fails and is hereby dismissed.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

