

S/L 7
10.11.2025
Court No.10
Swd

WPA 23990 of 2025

**State Bank of India & Anr.
Vs.
Employees State Insurance Corporation & Ors.**

*Mr. Debahis Saha,
Mr. Avirup Roy Sanyal,
Mr. Sanjoy Ghosh,
Ms. Sucheta Paul.*

...for the SBI.

*Mr. Shiv Shankar Banerjee,
Ms. A. Ghosh,
Mr. Siddharth Chowria.*

...for the Respondent No.1.

1. Affidavit of service be kept with the record.
2. Heard the parties through the respective Counsels.
3. The petitioner bank submits that the private respondent herein maintains one account with the said ADB Kalna Branch, being account No.39176247144.
4. The petitioner bank received one notice 20th February, 2025 from the respondent Nos. 1 and 2 under Section 45(g) of the Employees State Insurance Act, 1948 (hereinafter referred to as the 'ESI Act'). The respondent Nos. 1 and 2 issued a prohibitory order dated 19th June, 2024 under Section 45(h) of the said Act to freeze and restrain the account maintained by the private respondent, wherein the petitioner/bank was directed, inter alia, to remit or transfer the amount of Rs.12,28,503/- to the account of the respondent authority.

5. The petitioner submits that to honour the prohibitory order passed by the respondent Nos.1 and 2, already the account in question has been put on hold.
6. The respondent submits that the main writ petition is not maintainable due to mis-joinder and non-joinder of parties. The main answering respondent is the Reserve Bank of India. The respondent submits that despite issuance of the prohibitory order to freeze the account of the private respondent, the petitioner failed and/or neglected to take any further steps. Moreover, the petitioner has kept the account alive allowing the private respondent to withdraw the amounts from the said account. Owing to such conduct of the petitioner, the respondent authorities are compelled to inform the Reserve Bank of India and accordingly order has been passed to declare the petitioner/bank as 'Defaulter'.
7. The petitioner submits that already representation has been made before the respondent authority to consider the issue by restraining their hands from proceeding any further against the petitioner/bank and to revoke the order No.74000654140000999/CP/273542/22-23/RRC /654/9969 dated 11/08/2025 declaring the petitioner as a 'Defaulter'.
8. After hearing of the rival contention of the parties the respondent No.2 shall consider the

representation dated 05.09.2025 being annexure P5 at page 29 of the writ petition and pass a reasoned order in accordance with law within a period of four weeks from the date of the receipt of the order, upon affording an opportunity for hearing to the respective parties. The said decision of the authority concerned shall be communicated accordingly preferably, within a week.

9. Since affidavits are not called for, the allegations made in this writ petition are deemed not have been admitted by the respondents.
10. With the above observation and directions, this writ petition WPA 23990 of 2025 is disposed of without any order as to costs.
11. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)