

15.12.2025
Court No.25
D/L No.29
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 27447 of 2025

**Hemant Kanoria & Anr.
Versus
National Bank for Agriculture and Rural
Development (NABARD)**

Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Deepan Kumar Sarkar
Mr. Soumalya Ganguli
Mr. Naman Choudhury (through VC)
Mr. Shubrojoyoti Mookherjee
Mr. Samriddha Sen

...for the Petitioners

Mr. Anirban Ray, Sr. Adv.
Ms. Joufria Sabbah (through VC)
Mr. Zohaib Gauf

...for the Respondent

1. Affidavit of service and supplementary affidavit filed by the petitioners is taken on record.
2. The petitioners have filed the present writ application challenging the impugned order dated 26th November, 2025. Initially the respondent passed an order on 14th November, 2025, subsequently the order dated 14th November, 2025 has been superseded by an order dated 26th November, 2025 wherein, the account of the petitioners has been declared as fraud.
3. Learned counsel for the petitioners submits that on 3rd September, 2025 the respondent authority had issued the show cause notice upon the petitioners directing

the petitioners to submit written representation to show cause as to why the account of the petitioners shall not be declared as fraud. On receipt of the show cause notice, the petitioners have submitted reply on 22nd September, 2025 wherein, the petitioners have requested the respondent authority that unless and until the copies of the transaction audit report mentioned in the show cause notice along with each and every document and information which is referred to the said transaction audit report is not served to the petitioners, it is not possible for the petitioners to respond the allegations contained in the said show cause notice at this stage. On receipt of the reply, the respondent has passed the impugned order dated 26th November, 2025.

4. This Court finds that in reply the petitioners have categorically stated that unless and until the copies of the transaction audit report mentioned in the show cause notice as well as each and every document and information which is referred to the said transaction audit report is not served to the petitioners, it is impossible for the petitioners to respond the same but instead of supplying the said documents, the respondent has passed the impugned order.
5. This Court finds that the respondent has passed the impugned order without supplying of the documents on the basis of which the impugned order is passed

and the petitioners could not get an opportunity to deal with the said documents.

6. Accordingly, the impugned order dated 26th November, 2025 is set aside and quashed.
7. The respondent is directed to supply the transaction audit report to the petitioners within a period of three weeks from the date of the receipt of this order and on receipt of the transaction audit report, if the petitioners find that any further document is necessary for giving reply to the show cause notice, immediately within a week from the date of receipt of the documents, request the respondent to supply further documents. If any request is made by the petitioners, the respondent shall supply the documents within two weeks thereafter. After receipt of all documents, the petitioners shall file reply to the show cause notice within four weeks. On receipt of the reply from the petitioners, the respondent shall pass order in accordance with law.
8. WPA 27447 of 2025 is disposed of.
9. As the writ petition is disposed of at the motion stage without calling for the affidavit, the allegations made therein by the petitioners are deemed to have been denied.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

11. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)