

OD-11

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/13/2025
IA NO: GA/1/2025
ADITYA BALASARIA
VS.
CANARA BANK AND ORS.

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
AND

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

Dated : 4TH APRIL, 2025

Appearance:

Mr. Arijit Bardhan, Adv.
Mr. Avirup Chatterjee, Adv.
Mr. Prasenjit Pal, Adv.
Mr. Rishov Das, Adv.
Mr. Gourab Mondal, Adv.
...for the Appellant

Ms. Aparajita Rao, Adv.
Ms. Nabanita Dutta, Adv.
...for the respondent Bank.

THE COURT: This intra-court appeal filed by the appellant/writ petitioner is directed against the order dated 9th January, 2025 passed in WPO 1239 of 2024. The appellant/writ petitioner approached the learned Writ Court challenging the action initiated by the respondent-Bank, more particularly, the notice dated 22nd April, 2022 and the purported order dated 9th July, 2024 passed by the Identification Committee.

The principal ground of challenge was that it is in violation of the principles of natural justice inasmuch the copy of the order was not forwarded to the appellant despite a written request made by the appellant by registered post by letter dated 20th July, 2024. Further, it is submitted that in the first notice issued to the borrower, namely, M/s. Visa Drugs & Pharmaceutical Pvt. Ltd., the name of the appellant as a guarantor did not find place and therefore, the appellant had been denied reasonable opportunity to put forth their contentions and the learned Writ Court ought not to have relegated the appellant to approach the Review committee as this would tantamount to losing one forum by the appellant to put forward a challenge to the proceedings.

After hearing the learned advocate for the respondent-bank, we find that the submission made by the appellant is factually incorrect. As soon as a request was made by the appellant on 20th July, 2024, the reasons for willful default along with the notice was communicated to the appellant by speed post and the track report says that the item could not be delivered and returned with the endorsement "Door Locked".

If this is the postal endorsement, it is deemed to be a good service of the notice. Therefore, we find that it is not a case where there has been any violation of the principles of natural justice.

For such reasons, we are of the view that the learned Single Bench has rightly relegated the appellant to approach the Review committee and canvass

the case on merits before the said Committee. However, the time granted for the appellant to approach the Review committee is extended by fifteen days from the date of receipt of the server copy of this order.

Thus, no ground is made out to interfere with the said order. Accordingly, the appeal fails and is dismissed.

The application IA NO: GA/1/2025 is also dismissed.

(T.S. SIVAGNANAM, CJ.)

(CHAITALI CHATTERJEE (DAS), J.)

sm/SN