

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

JAINCO AUTOMOTIVE PVT. LTD.

-Versus-

CENTRAL BANK OF INDIA AND
ANR.

BEFORE

The Hon'ble Justice AMRITA SINHA

Date: 4th March, 2025

APPEARANCE:

Mr. Jatinder Singh Dhatt, Adv.
..for the petitioner.

Ms. Anshumala Bansal, Adv.
Mr. Rictik Chowdhury, Adv.
Mr. Bhargav Verma, Adv.
..for the respondent no.2.

1. A report has been filed by the Assistant General Manager, Central Bank of India, SAM Branch, Kolkata dated 1st March, 2025.
2. Learned Advocate representing the Bank submits that the Bank will re-visit the issue in terms of the direction passed by the Hon'ble Supreme Court in the matter of *State Bank of India vs. Rajesh Agarwal* reported in AIR Online 2023 SC 256.
3. Objecting to the declaration of the petitioner as 'wilful defaulter', the petitioner appears to have forwarded his representation to an address which the learned Advocate for the Bank submits, as incorrect. The representation of the petitioner is annexed to the writ petition.

4. As the Bank intends to re-visit the issue in the light of the observations made in the matter of Rajesh Agarwal (*supra*) accordingly, the show cause notice issued by the Bank requiring the petitioner to submit his show cause as to why he should not be continued as fraud, is liable to be set aside. The Bank cannot declare the petitioner as a fraud prior to giving him an opportunity of hearing as mandated by the Hon'ble Supreme Court.
5. In view of the above, the Wilful Defaulter Identification Committee is directed to consider the representation of the petitioner and dispose of the same in accordance with law.
6. It will be open for the petitioner to forward a copy of the representation objecting to the declaration of wilful default to the respondent authority at the correct address at 2nd Floor, No.33, N.S. Road, Kolkata- 700 001.
7. The writ petition (WPO/109/2025) stands disposed of.
8. Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)