

OD-6

ORDER SHEET

WPO No.177 of 2025

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BASANT SETHIA & ORS.

VS

RESERVE BANK OF INDIA & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 16th June, 2025.

Appearance:

Mr. Jatinder Singh Dhatt, Adv.
Ms. Diyasha Ghosh, Adv.
Mr. Santanu Deb Roy, Adv.
Mr. Nirupam Dhali, Adv.
...for the Petitioners.

Mr. Aman Agarwal, Adv.
Mr. Debabrata Das, Adv.
Mr. A. Sarkar, Adv.
Mr. Pratik Acharjee, Adv.
...for Respondent No.1.

Mr. Joy Saha, Sr. Adv.
Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijani Ghosh, Adv.
Ms. Indrani Majumdar, Adv.
Mr. Rudra Narayan Chatterjee, Adv.
...for the Respondent Nos.2 & 3.

1. Heard the submissions made on behalf of the petitioners and the ICICI Bank.
2. Perused the report filed by the ICICI Bank affirmed on 23rd April, 2025. In the said report documents have been annexed by the bank in support of the submission that the petitioners were put on notice prior to the process initiated by the bank for declaring the petitioners as wilful defaulter.
3. From the publication made by the bank on 5th August, 2023, it appears that the bank did not forward the copy of the Identification Committee's

report to the petitioners but directed the petitioners to collect the same from the bank and submit representation, if any, against the same. The petitioners were admittedly not forwarded copy of the report of the Identification Committee.

4. It is the specific stand of the bank that as the petitioners did not reply to the show cause notice prior to the order being passed by the Identification Committee, accordingly, the bank directed the petitioners to collect the copy of the order of the Identification Committee from the bank itself. The bank had spent good amount of money in making publication in two newspapers and the bank did not have any intention to conceal any information from the petitioners.
5. Non-forwarding the copy of the order of the Identification Committee to the petitioners will amount to violation of principle of natural justice.
6. It appears that as the petitioners never got an opportunity to defend themselves before the Review Committee, accordingly, the Court is minded to remand the matter back to the Review Committee for consideration of the matter fresh by giving an opportunity of hearing to the petitioners.
7. The instant writ petition is, accordingly, disposed of by directing the Review Committee to revisit the issue at the earliest after giving the petitioners fair opportunity of hearing. The order of the Review Committee dated 28th October, 2024 declaring the petitioners as wilful defaulters without hearing them is set aside.

8. Learned advocate representing the bank stresses upon the fact that there are several allegations in the writ petition and an opportunity to file affidavit-in-opposition be given to the bank to controvert the same.
9. It is made clear that the Court has not gone into the other allegations made by the petitioners. The instant order is passed only because the Court is of the opinion that the order of the Identification Committee ought to have been forwarded to the parties or else the principle of natural justice remains non complied.
10. The allegations made in the writ petition are deemed not to have been admitted by the respondents.
11. The writ petition stands disposed of.
12. Learned senior Counsel appearing for the ICICI Bank prays for stay of the operation of the order. The prayer is considered and rejected.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)