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ORDER SHEET

WPO No.889 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IN THE MATTER OF:
JAGDISH SARDA
VS.
RESERVE BANK OF INDIA & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 11th February, 2025.

Appearance:
Mr. Mainak Bose, Sr. Adv.
Mr. Shakeel Mohammed Akhter, Adv.
...for the Petitioner.

Mr. Aman Agarwal, Adv.
Mr. Debabrata Das, Adv.
Mr. A. Sarkar, Adv.
...for the Respondent no.1

Ms. Mekhla Kanji, Adv.
Mr. Shamit Sanyal, Adv.
...for the Respondent no.3/SBI.

1. Upon hearing the submissions made on behalf of the parties, it appears that there is nothing on record to suggest that an opportunity of hearing was given to the petitioner prior to declaration of fraud.
2. In view of the above, there has been violation of the principle of natural justice and the same is contrary to the direction passed by the Hon'ble Supreme Court in the matter of *State Bank of India and Ors. vs. Rajesh Agarwal and Others* reported in (2023) 6 SCC 1.

3. Learned Counsel for the bank submits that steps will be taken to reverse the situation.
4. Declaring the petitioner as fraud appears to be an illegal one. The instant writ petition is, accordingly, disposed of by directing the State Bank of India to take steps to de-list the name of the petitioner from the Central Fraud Register at the earliest but positively within a period of four weeks from the date of communication of this order.
5. It will, however, be open for the parties to take steps in the matter in accordance with law, if so advised.
6. The writ petition stands disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)