

OD-6

ORDER SHEET

WPO No.1239 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ADITYA BALASARIA
VS.
CANARA BANK & ORS.

BEFORE
THE HON'BLE JUSTICE AMRITA SINHA
Date: 9th January, 2025.

Appearance :
Mr. Arijit Bardhan, Adv.
Mr. Avirup Chatterjee, Adv.
Mr. Prasenjit Pal, Adv.
Mr. Rishov Das, Adv.
...for the Petitioner.

1. Despite service, none represents the bank.
2. The petitioner is aggrieved by the action of the bank in identifying the petitioner as wilful defaulter.
3. From the documents annexed to the writ petition, it appears that the notice of wilful default was issued on the borrower company on 22nd April, 2022. The petitioner asserts that copy of such notice was not issued upon the petitioner who is not the borrower but the guarantor. The bank by a communication dated 18th July, 2024 notified the petitioner as wilful defaulter. A copy of the extract of the order of the Identification Committee, though mentioned as attached with the said notice, but specific case of the petitioner is that no notice of wilful default or the extract of the order of the Identification Committee was ever served upon him. Without the order of the Identification Committee, the petitioner is not in a position to make representation before the Review Committee.

4. As none represents the bank, the Court is not aware of the proper facts as to whether the order of the Identification Committee or the notice of wilful default was ever served upon the petitioner or not.
5. The show cause notice dated 22nd April, 2022 clearly records that if the petitioner had any objection then he may submit representation in writing before the Review Committee within 15 days. The petitioner did not approach the Review Committee within the stipulated time period.
6. At this stage, the only relief that can be granted to the petitioner is that, it will be open for the petitioner to approach the Review Committee with his grievance. If the Review Committee comes to an opinion that the process of identification of the petitioner as wilful defaulter was not in accordance with relevant rules, then steps shall be taken to rectify the defects and take further consequential steps in the matter in accordance with law.
7. Writ petition stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

nm.