

OD-9

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/2847/ 2022

ISHWARI PRASAD TANTIA AND ANR.
VS.
STATE BANK OF INDIA

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 17th March, 2025.

Appearance:

Mr. Krishnaraj Thaker, Sr. Adv.

Mr. Sudhasatva Banerjee, Adv.

Mr. Raghunath Ghose, Adv.

Ms. Pritha Ghose, Adv.

Ms. Shusna Santra, Adv.

...for the Petitioner.

Mr. Ajay Gaggar, Adv.

Mr. Hiranyak Gangopadhyay, Adv.

...for the respondent.

1. The petitioners are aggrieved by the order passed by the Willful Defaulter Identification Committee identifying the petitioners as willful defaulters. It appears from records that a notice of personal hearing was given to the petitioners intimating that hearing will be held on 14th September, 2022. A request was made by the petitioner no.1 to adjourn the hearing because of medical emergency. The Identification Committee refused to accede to the prayer for adjournment, proceeded with the hearing and declared the petitioners as willful defaulters. The same is impugned herein.
2. Though it is true that there is a review committee to review the order passed by the Willful Defaulter Identification Committee but since it appears that the petitioners practically did not get an effective opportunity

of hearing at the identification stage, the Court is inclined to give one opportunity to the petitioners to defend themselves before the Willful Defaulter Identification Committee.

3. The petitioners will lose the forum for identification of willful default if this opportunity is not granted to them. The same will amount to violation of the principles of natural justice.
4. To comply with the provisions of natural justice, a peremptory opportunity of hearing ought to be granted to the petitioners.
5. The respondent authority is directed to grant one last opportunity of hearing to the petitioners to defend themselves by giving seven days' prior notice.
6. The petitioners are directed to cooperate with the hearing by the Willful Defaulter Identification Committee. A decision shall be taken by the Committee afresh at the earliest but positively within four weeks from date of communication of this order.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(AMRITA SINHA, J.)