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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 6th March, 2025

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W.P.(C) 1384/2025 & CM APPL. 6751/2025**ABHISHEK GUPTA****.....Petitioner****Through: Miss Asiya Khan and Mr. Kush
Sharma, Advocates****versus****STATE BANK OF INDIA****.....Respondent****Through: Mr. Rajiv Kapur, Standing Counsel
for SBI with Mr. Akshit Kapur, AoR
and Ms. Riya Sood, Advocates****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Present writ petition can be disposed of on a very short point.
2. The prime grievance of the petitioner is that after issuance of *show-cause notice* in question, respondent-bank had appointed a *Forensic Auditor* and the classification of their account as “fraud” is, primarily, based on the observations given by the Forensic Auditor.
3. Learned counsel for respondent submits that the classification is not based on such report. He, however, submits that admittedly, the Forensic Auditor was appointed after the issuance of *show-cause notice* and he also admits that such report was not supplied to the petitioner before the account was classified as fraud. In order to avoid any further delay in the matter, the bank has now produced the relevant portion of such report concerning the account of the petitioner. Such copy has now been supplied to learned counsel for the petitioner and spare copy, which has been shown during the



course of arguments, is retained on record.

4. Learned counsel for respondent submits that in view of the above, they would have no objection if petitioner is permitted to submit response, if any, to the aforesaid *Forensic Audit Report* within a period of three weeks from today and if any such response is received, they would take decision afresh in accordance with law.

5. He, however, submits that the above is without prejudice to their rights and contentions.

6. In view of the aforesaid, the present writ petition is disposed of, while also setting aside the aforesaid fraud classification order dated 24.12.2024. Any precipitative action taken on the basis of such order also goes.

7. Petitioner is permitted to submit additional response, if any, within three weeks from today and the respondent bank would be, therefore, at liberty to take further action in accordance with law.

8. It is, however, clarified that independent of the aforesaid classification order, if the bank has initiated any further action, the same would remain unaffected.

(MANOJ JAIN)
JUDGE

MARCH 6, 2025/dr/js