

31.03.2026
Court No.25
D/L No.11
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 5961 of 2026

Zephyrtech Consulting Private Limited
Versus
The State of West Bengal & Ors.

Mr. Srijib Chakraborty
Mr. Sunny Nandy
Ms. Oindrila Ghosal
Mr. Rajib Maity
Mr. Debdut Banerjee

...for the Petitioner

Mr. Sambuddha Dutta
Mr. Daustav Chatterjee

...for the State

Mr. Ananda Dulal Sarkar

...for the PNB

1. The petitioner has filed the present writ application praying for a direction to defreeze the account of the petitioner maintained with the Punjab National Bank, Dharmatala Street Branch at 120 Lenin Sarani, Kolkata being current account No. 0528002100026589.
2. Learned counsel for the petitioner submits that in the month of February, 2026, the bank has all of a sudden freezed the account of the petitioner and not allowing the petitioner to operate the said bank account. The petitioner has made several requests to the bank authority but the bank has not given any reason why the bank has freezed the account of the petitioner.

3. Learned counsel for the petitioner submits that that it is settled law wherein any disputed amount on the basis of which the account has been freezed. The bank cannot freeze the total account and only disputed amount can be kept in lien and the petitioner can be allowed to operate the bank account. He further submits that due to freezer of the account of the petitioner, the petitioner is facing difficulties to run the business.
4. Learned counsel for the petitioner has relied upon the judgment in the case of ***Malabar Gold and Diamond Limited & Ors. vs. Union of India & Ors.*** reported in ***2026 SCC OnLine Del 297*** wherein the Delhi High Court has held that blanket freezing bank account without recording or communicating any reasons, results in grave civil and financial consequences, including disruption of business operations, dishonour of cheques and severe hardship, and directly impinges upon the right to livelihood.
5. Learned counsel for the bank has submitted the report wherein it reveals that the bank has received emails on January 3, 2026; February 21, 2026; March 7, 2026 and March 12, 2026 from the National Cyber Crime Reporting Portal Cell and on the basis of the instructions, the bank has freezed the account of the petitioner. Learned counsel for the bank further submits that the bank has not received any instruction

from the National Cyber Crime Reporting Portal Cell for defreezing the account of the petitioner and the bank is not having any authority to defreeze the account of the petitioner without the direction of the National Cyber Crime Reporting Portal Cell.

6. Learned counsel for the bank has submitted another report wherein the total disputed amount is Rs. 3,11,990.36/-, total lien amount is Rs. 5,59,856.74/- (including bank CMS charges of Rs. 2,47,866.38/-), the effective available amount is Rs. 75,68,841.01/- and the closing balance is Rs. 81,28,697.85/- in the account of the petitioner.
7. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that as per the report submitted by the bank, the bank has freezed the account of the petitioner on receipt of the email from the National Cyber Crime Reporting Portal Cell and the disputed amount is Rs. 3,11,990.36/-.
8. Section 106 of the BNSS empowers the police only to seize property for evidentiary purposes and does not confer any authority to attach or debit freeze bank account. Attachment or freezing of bank accounts, being measures directed at securing alleged proceeds of crime, can be undertaken only under Section 107 of the BNSS and strictly upon orders of a competent

Magistrate, after following the prescribed procedural safeguard.

9. This Court finds that the bank has freezed the account of the petitioner only on receipt of emails from cyber crime authorities but failed to show that the cyber crime agencies have obtained any order from the competent court for freezing of the account of the petitioner.
10. In these circumstances, this Court finds no justification for the petitioner to continue to suffer on account of indefinite and unreasoned freezing of his accounts, if any investigating agency is in possession of material suffering the petitioner's complicity, such agency is at liberty to take appropriate action, if any, strictly in accordance with law.
11. In view of the above, the writ petition is disposed of with the following directions:-
 - (a) The respondent No.4, Punjab National Bank is directed to immediately defreeze the account of the petitioner by keeping an amount of Rs. 3,11,990.36/- on hold.
 - (b) If the enforcement or investigating agency proposes to initiate or is conducting an investigation against the petitioner, it shall be at liberty to do so in accordance with law and the petitioner shall fully cooperate with such investigation if any.

12. WPA 5961 of 2026 is disposed of.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

14. Urgent Photostat certified copy of this order, if applied for, be given to the parties after compliance with all requisite formalities.

(Krishna Rao, J.)