

S/L 25
06.05.2026
Court. No. 25
suvayan

WPA 8453 of 2025

Xenixt Technologies Private Limited & Ors.

Vs.

Reserve Bank of India & Ors.

Mr. Ayan Bhattacharjee, Sr. Adv.

Mr. Aditya Ratan Tiwary

...for the petitioners.

Ms. Suchishmita Ghosh

Ms. Aradhita Banerjee

...for the respondent nos. 1 and 4.

Mr. Sayak Ranjan Ganguly

Ms. Srijani Ghosh

Ms. Kipa Kami

...for the respondent nos. 2 and 3.

Mr. Ranjan Kumar Sinha

Mr. Shaunak Ghosh

...for the respondent no. 5.

1. The petitioners have filed the present writ application praying for a direction upon the respondent nos. 2 and 3 for defreezing of the accounts of the petitioners and to allow the petitioners to operate the same.
2. Learned counsel appearing for the petitioners submits that the petitioners are maintaining five accounts being account nos. 121527000000041, 121527000000011, 121527000000031, 121527000000021 and 121527000000061. All of a sudden on October 9, 2024 the petitioners were informed by the respondent no. 6 that the respondent no. 3 has frozen the accounts of the petitioners. When the petitioners came to know about the same, the petitioners requested the bank for defreezing of the accounts but the respondent/bank failed to defreeze the accounts of the petitioners.

3. Learned counsel appearing for the petitioners submits that due to the freezer of the accounts of the petitioners, the petitioners facing difficulties. Learned counsel for the petitioners further submits that the respondent/bank has freezed the accounts of the petitioners without any order of the Court and without any authority. He relied upon the judgments in the case of *Sanjay Gupta vs. State of West Bengal & Ors.* reported in 2025 SCC OnLine Calcutta 10239, *Malabar Gold and Diamond Limited & Ors. vs. Union of India & Ors.* reported in 2026 SCC OnLine Del 297, *Kartick Yogeshwar Chatur vs. Union of India & Ors.* reported in 2025 SCC OnLine Bom 4778 and *Headstar Global Pvt. Ltd. Vs. State of Kerala* reported in 2025 SCC OnLine Ker 3546 and submits that the bank has freezed the account of the petitioners without any order of the Court. This court as well as the different High Courts categorically held that without the order of the Court, the bank cannot freeze the account of the petitioners.
4. Learned counsel for the respondent/bank submits that the bank has freezed the account of the petitioners on the complaint received through the portal of the Ministry of Home Affairs. On the submission of the learned counsel for the bank, this Court has directed the petitioners to implede the Ministry of Home Affairs as party to the instant writ application.
5. Accordingly, the petitioner has made the Ministry of Home Affairs as party and serve the notice upon the Ministry of Home Affairs but learned counsel appearing

for the Union of India submits that he has not received any instruction from the Union of India in spite of several request made to the authorities.

6. Heard the learned counsel for the respective parties perused the materials on record and the judgments relied by the petitioners.
7. The bank has freezed the accounts of the petitioners on the instruction received through the portal. As per the submission made by the learned counsel for the Union of India, he has not received any instruction from the Union of India. In the case of *Kartick Yogeshwar Chatur (supra)*, the Hon'ble Division Bench of Bombay High Court relying upon the judgment passed by the Kerala High Court in the case of *Headstar Global Private Limited (supra)* held that a police officer investigating a crime has to approach the jurisdictional Magistrate under Section 107 of BNSS to seek attachment of any property believed to be derived directly or indirectly from criminal activity or the commission of an offence. Subsequently, Courts will have to be adopted in terms of the order passed by the Magistrate. Support further clarified that while Section 106 speaks of seizure, Section 107 deals with attachment, forfeiture and restoration. Seizure under Section 106 can be carried out by a police officer and an *ex post facto* report submitted to the Magistrate. On the other hand, attachment under Section 107 can be effected only upon the orders of the Magistrate. The logic behind the distinction being that the purpose of seizure is more to secure the evidence

during an investigation, whereas attachment is intended to secure the proceeds of crime by preventing its disposal and thus ensuring its availability for legal procedure such as forfeiture and distribution to the victim. Thus the judgment makes it clear that freezing account is not permissible under Section 106 of BNSS.

8. In the present case also the bank or the Union of India failed to satisfy that any of the authorities have obtained any order from the concerned Court for freezing of the accounts of the petitioners. It is the specific case of the bank that the bank has freezed the accounts only on receipt of the complaint through the portal.
9. Considering the above, this Court finds that the bank has freezed the accounts without any order of the Court and only on the basis of the report through the portal.
10. In view of the above, the bank is directed to immediately defreeze the accounts of the petitioners and to allow the petitioners to operate the bank accounts.
11. The communication filed by the Union of India be kept with the record.
12. WPA 8453 of 2025 is disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)