

S/L 20
06.05.2026
Court. No. 25
Sourav

WPA 9472 of 2026

**Shibsankar Paul
Vs.
Union of India & Ors.**

*Mr. Anirban Dutta
Mr. Abhinav Rakshit
Mr. Bikram Mitra
Mr. Ayan Das
Ms. Atrayee Chatterjee*

...for the petitioner.

Ms. Sweta Mukherjee

...for the respondent no. 3.

*Mr. Ashok Prasad
Mr. Pradip Paul
Ms. Renesa Dey*

...for the Union of India.

1. The petitioner has filed the present writ application praying for a direction upon the respondent no. 3 to defreeze the bank account of the petitioner being Account No. 50200043801244 maintained with the respondent no. 3.
2. Learned counsel for the petitioner submits that the petitioner is running the business of sell and purchase of secondhand mobile phones but due to the freezing of the account of the petitioner, the petitioner is facing difficulty to run his business. He further submits that the petitioner has visited the Bank and also made the representation to the respondent no. 3 to defreeze the account of the petitioner but the Bank has not considered the request of the petitioner. Thus the petitioner has filed the present writ application.
3. Learned counsel for the petitioner submits that the only disputed amount on the basis of which the bank has

freezed the account is Rs. 9975.27 and Rs. 12,999/-. He submits that if the said disputed amount is kept in lien and the petitioner is allowed to operate the bank account, the petitioner will not be prejudiced.

4. Per contra, learned counsel appearing on behalf of the respondent no. 3 submits that the Bank has not freezed the account of the petitioner but it has been marked as 'debit override'. She further submits that the Bank has kept the account of the petitioner as debit override due to the several complaints received from the Ministry of Home Affairs.
5. The petitioner has relied upon the judgments in the case of ***Sanjay Gupta Vs. State of West Bengal & Ors.*** reported in ***2025 SCC OnLine Cal 10239***, ***Headstar Global Pvt. Ltd. Vs. State of Kerala***, reported in ***2025 SCC OnLine Ker 3546***, ***Neelkanth Pharma Logistics Pvt. Ltd. Vs. Union of India & Anr.***, reported in ***2025 SCC OnLine Del 1055*** and ***Kartik Yogeshwar Chatur Vs. Union of India & Ors.***, reported in ***2025 SCC OnLine Bom 4778*** and submits that in all cases, this Hon'ble Court and the Hon'ble Courts of Kerala, Delhi and Bombay have categorically held that the Bank can put the disputed amount on lien on the basis of the complaint's acknowledgement number so that amount can be refunded later, after investigation of the complaint by the concerned authorities. He further submits that in the present case also the Bank has kept the account hold because of the complaint received by the

Bank and as such, the disputed amount kept in line and the petitioner can be allowed to operate the Bank account.

6. Considered the submission made by the learned counsel for the parties. Perused the materials on record and the judgments relied by the petitioner.
7. This Court finds that it is the specific case of the respondent Bank that the account of the petitioner has not been account freeze, it is only the debit override and only the disputed amount is Rs. 9975.27 and Rs. 12,999/-.
8. In view of the above, the Bank is directed to keep the disputed amount in lien till the investigation of final decision taken by the authorities and the bank shall allow the petitioner to operate the bank account immediately.
9. **WPA 9472 of 2026** is disposed of.
10. 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.)