21
20.01.2026
Court. No. 25
D.Hira

WPA 11434 of 2025

Jai Balaji Industries Limited & Anr.
Vs.
The Assistant Commissiioner of Sale Tax & Ors.

Ms. Rajshree Kajaria,
Mr. Pramit Bag,
Mr.Satadeep Bhattacharya,
Mr.Shounak Mukhopadhyay,
Mr. Uttam Sharma.
... for the petitioners

Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh,
Ms. Indrani Majumdar.
... for the respondent nos. 8 to 11

Ms. Soni Ojha.
... for the respondent nos. 12 and 13

Mr. Taushid Khan.
... for the State

Ms. Suchishmita Ghosh,
Ms. A. Banerjee.
... for the respondent no. 7

Mr. Debashis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal.
... for the respondent/Bank (SBI)

1. Affidavit-of-service filed in Court is taken on record.
2. By an order dated 14th November, 2025, this Court directed the petitioner to implead the Sai Fertilizer Pvt. Ltd. as respondent no. 14.
3. Accordingly, the petitioner has impleaded the Sai Fertilizer Pvt. Ltd. as added respondent being the respondent no. 14.
4. The petitioner has filed the present writ application praying for a direction upon the respondents to

release the amount of Rs.20,00,000/- (Rupees twenty lakhs), which was kept as hold in account no. 019081400008025, which is the account of the added respondent and a direction upon the respondent no. 8 that is, the Yes Bank Limited, Dalhousie Branch, Stephen House, to remit the said amount of Rs.20,00,000/- (Rupees twenty lakhs) in the account of the petitioner no. 1 being account no. 42002032813 maintained with the respondent no. 5 being the State Bank of India as well as an amount of Rs.5,00,000/- (Rupees five lakhs) to the petitioner no. 1's account being account no. 694605115919 maintained with the ICICI Bank, Ganesh Chandra Avenue Branch, Kolkata.

5. Learned counsel for the petitioner submits that on 23rd December, 2024, the petitioner no. 1 in usual course of business was intended to transfer an amount of Rs.20,00,000/- (Rupees twenty lakhs) in favour of M/s. Mortex International having its account with the Yes Bank Limited, Dalhousie Branch, Stephen House being account no. 019081400008005, but inadvertently the petitioner has transferred the said amount of Rs.20,00,000/- (Rupees twenty lakhs) in another account being account no. 019081400008025.

6. Simultaneously, the petitioner has again transferred an amount of Rs.5,00,000/- (Rupees

five lakhs) in the account of added respondent no. 14 instead of M/s Mortex International.

7. Immediately, when the petitioner came to know that the petitioner has inadvertently transferred an amount of Rs.20,00,000/- (Rupees twenty lakhs) as well as Rs.5,00,000/- (Rupees five lakhs) in the account of the added respondent no. 14 instead of M/s Mortex International, the petitioner has made a request to the Yes Bank Limited for remitting the amount of Rs,20,00,000/- (Rupees twenty lakhs) as well as Rs,5,00,000/- (Rupees five lakhs) in the account of the petitioner but the Yes Bank Limited instead of remitting the said amount has kept the said amount on hold. In spite of several representations made by the petitioner, the Yes Bank Limited has not returned the said amount.

8. The matter reached up to the office of the RBI Ombudsman and the Ombudsman has passed an order on 21st March, 2025 holding that the customer himself entered the wrong beneficiary account number/account details and there does not appear to be any deficiency on the part of the regulator entity while facilitating the transaction and accordingly, he closed the complaint made by the petitioner.

9. The respondent nos. 8 to 11 have filed their report after serving a copy of the learned counsel for the petitioner wherein it is mentioned that on 30th

December, 2024, the bank has received a letter from Sai Fertilizer Pvt. Ltd. stating that the respondent no. 14 extending its concurrence to debit its account for Rs.20,00,000/- (Rupees twenty lakhs) and reverse the same to the remitter account as inadvertently/by mistake the petitioner no. 1 has transferred the said amount in the account of the added respondent though there is no transaction between the petitioner and the added respondent.

10. In the report, the bank has also disclosed a communication made by the Assistant Commissioner of Revenue dated 19th March, 2025 wherein it is stated that the tax authorities are been empowered to start the recovery from third parties under Section 79(1)(c) via issuing a written notice before the defaulter's debtors. Such debtors are required to file the amount to the government even not having documentation like passbooks or deposit receipts.

11. He informed the bank that there is no provision of Temporary Withdrawal of demand notice on a demand which is not under litigation and there is any stay on the recovery from a Competent Court under the Act. Therefore, he has advised the bank to act as per Section 79(1)(c) of the CGST/WBGST Act, 2017.

12. On receipt of the notice of this proceeding, the added respondent has forwarded an affidavit to the petitioner, executed before the Notary Public on 7th January, 2026 wherein the added respondent stated **"that on 23rd December, 2025, a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) was credited to our aforementioned account via RTGS from the Petitioner No. 1. Subsequently, on 2nd April 2025, a further sum of Rs.5,00,000/- (Rupees Five Lakhs) was credited to the same account.**

    I say that the said aggregate sum of Rs.25,00,000/- does not belong to Sai Fertilizers Private Limited. We have no business relationship with the Petitioners regarding this transaction, and we understand that these funds were transferred to our account due to a clerical/typographical error by the Petitioner (typing Account ending in "8025" instead of "8005"."

13. In the affidavit, the added respondent has further stated that he has no objection if the said amount of Rs.25,00,000/- is remitted/reversed back to the account of the petitioner no. 1.

14. The Tax Authorities have taken the plea of Section 79(1)(c)(i) of the CGST/WBGST Act, 20217 reads as follows:-

> ***"The proper officer may, by a notice in writing, require any other person from whom money is due or may become due to such person or who holds or may subsequently hold money for or on account of such person, to pay the Government either forthwith upon the money becoming due or being held, or within the time specified in the notice not being before the money becomes due or is held, so much of the money as is sufficient to pay the amount due from such person or the hold of the money when it is equal to or less than that amount."***

15. Considered the contention raised by the Tax Authorities from their letter to the bank but this Court finds that Section 79(1)(c)(i) is not applicable in the present case.

16. This Court considered the entire documents, the report submitted by the bank and the affidavit submitted by the added respondent as well as an order passed by the Ombudsman. This Court finds that the last four digit of the account of the beneficiary that is, M/s Mortex International is "8005" and the added respondent is "8025".

17. There was mistake on the part of the petitioner while transferring the amount in the account of M/s. Mortex International and inadvertently the

amount has been transferred in the account of the added respondent.

18. This Court also finds that the added respondent in whose account the amount has been transferred, has categorically stated that he has no business relationship with the petitioner and has also stated that he has no objection for transferring the said amount in the account of the petitioner.

19. Accordingly, the respondent no. 8 that I, the Yes Bank Limited, Dalhousie Branch, Stephen House, 56A Hemanta Basu Sarani, Ground and Mezzanune Floor, Kolkata – 700001 is directed to transfer an amount of Rs.20,00,000/- (Rupees twenty lakhs) in the account of the petitioner no. 1 being account no. 42002032813 maintained with the State Bank of India, SME-NS Road Branch, Telephone Bhawan, 1st Floor Annexe Building, 34, BBD Bag, Kolkata 700001 and the balance amount of Rs.5,00,000/- (Rupees five lakhs) be transferred in the account of the petitioner No. 1 being account no. 694605115919 maintained with the ICICI Bank, Ganesh Chandra Avenue Branch, 24, CR Avenue, Kolkata 700001 within a period of one week from the date of receipt of the copy of this order.

20. Accordingly, WPA No. 11434 of 2025 is disposed of.

21. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Krishna Rao, J.)