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VACATION BENCH

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/12204/2026

CHOLAMANDALAM INVESTMENT & FINANCE COMPANY LIMITED & ANR.
VS
THE STATE OF WEST BENGAL& ORS.

Mr. RitobanSakrar, Advocate
Mr. Ranjit Singh, Advocate
Mr. Amar Singh, Advocate
Ms. Tutul Das, Advocate
Ms. Subharchita Mukherjee, Advocate
Ms. DebeshriGiri, Advocate
……for the Petitioners
Mr. Samrat Mukherjee, Advocate
Mr. Brijendra Pratap Singh, Advocate
Ms. Sarda Sha, Advocate
……for the State

1. Affidavit of service, filed in Court, is taken on record.
2. The petition is filed by petitioner no. 1, who claims to be a Banking Company registered under the provisions of the Companies Act, 2013.
3. The petitioners carry on business,*inter alia*, in offering diverse loans and credit facilities to prospective borrowers under various loan agreements.
4. The petitioners claim that sometime in April 2018, the respondent no. 6 had approached the petitioners, requested for obtaining a home loan and represented to the petitioners that he would duly comply with any terms and conditions under which the loan or loans would be disbursed.
5. Relying on such representations of the respondent no. 6 and believing the same to be true, the petitioners had sanctioned a loan of Rs.16,05,545/-.
6. According to the petitioners, the respondent nos. 6 & 7, who had obtained the loan as borrowers, had subsequently submitted the original registered sale

deed dated 14.03.2018, along with the property tax receipt and encumbrancecertificate dated 26.04.2018 as security against the aforesaid loan.

7. The petitioners state that the respondent nos. 6 & 7 had duly fulfilled their obligations and had made payment of the last installment, a sum of Rs.5 lakhs, which the learned Advocate for the petitioners claims to be Rs.7 Lakhs and, would, submit that the same is a typographical error.Such payment was made from the business account of the respondent nos. 6 & 7 maintained with HDFC Bank.

8. Consequent thereupon, 'No Due Certificate' was duly issued to the respondent nos. 6 & 7, and the original documents including the registered deeds (property documents), were returned.

9. Incidentally, on 07.04.2026, the petitioners received an electronic mail from HDFC Bank, Chennai, stating that the learned Additional Chief Judicial Magistrate, North 24-Parganas, has passed an order dated 02.03.2026, directing the HDFCBank to transfer Rs.5 Lakhs to the account held in the name of one Soumitra Kumar Choudhuri, with the State Bank of India.

10. Immediately upon receiving such communication, the petitionerssent a response thereto, and stated that the alleged disputed transaction cannot, in any way, relate to Soumitra Kumar Chowdhuri as indicated in their letter.

11. The petitioners have since, on the basis of enquiry, been able to ascertain that a proceeding is pending before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas, at the instance of one Soumitra Kumar Choudhuri, who had filed a complaint pertaining to a cyber financial fraud amounting to Rs.104,00,000/- before the Bidhannagar

Cyber Crime Police Station against unknown persons impersonating law enforcement officials and inducing the complainant to transfer money under false pretext.

12. In the course of investigation, the learned Court has passed an order dated 02.03.2026, directing the Nodal Officer of the concerned Bank to transfer the hold money, amounting to Rs.7,63,484.59/- from the miscreant bank account to the account of the complainant, namely, Soumitra Kumar Choudhuri. A certified copy of the order dated 02.03.2026 has also been disclosed.

13. The learned Advocate for the petitioners, has drawn attention of this Court to the home loan certificate and to the statement of accounts and would submit that the petitioners had no knowledge with regard to the alleged defaults committed by the borrowers or the subsequent orders passed by the learned Additional Chief Judicial Magistrate's Court which is a post-transactional event, as the entire transaction was concluded prior to the passing of such order and as such the petitioners cannot be made responsible. He would further submit that though a representation has been made before the police authorities, such representation is yet to be acted upon, and as such, prays for a Writ in the nature of Mandamus so as to direct the investigating officer to respond to and consider the petitioners' representation.

14. The State is represented.

15. Having heard the learned Advocates appearing for the respective parties, I find that admittedly in this case, a proceeding is pending before the Court of the learned Additional Chief Judicial Magistrate, Bidhannagar at the instance of one Soumitra Kumar Choudhuri, though the petitioners would submit that the loan account was

closed, prior to the passing of the order passed by the learned ACJM.

16. However, going though the materials-on-record, I find that the proximity of the transaction with that of the order passed by the learned ACJM is extremely close and as such it shall not be appropriate for this Court to make any observations in this regard.

17. Since, the matter is pending adjudication before the Court of the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas, in connection with Bidhannagar Cyber Crime Police Station Case NO. 19 of 2026 dated 05.02.2026 under Sections 111(4)/111(6)/316(2)/318(4)/319(2)/337/338/ 61(2) of the BharatiyaNagarik Suraksha Act, in my view, it would be appropriate for this Court not to entertain this writ-petition leaving it open to the petitioners to approach the learned Court of ACJM, if so advised.

18. With these observations, **WPA/12204/2026** is **disposed of.** No order as to costs.

(Raja Basu Chowdhury, J.)