

S/L 29
06.03.2026
Court. No. 25
Suwayan

WPA 21157 of 2025

Comrade Hotels Private Limited & Anr.
Vs.
Reserve bank of India & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Arik Banerjee
Mr. Rajib Mullick
Ms. Sonia Mukherjee
Ms. Priyanka Barik

...for the Petitioners.

Mr. Debabrata Das
Mr. A. Sarkar
Mr. Pratik Acharjee

...for R.B.I.

Ms. Sweta Mukherjee

...for the respondent nos. 2, 3 & 4.

1. The affidavit-of-service filed by the petitioners be kept with the record.
2. The petitioners have filed the present writ application praying for a direction upon the respondents to defreeze the account of the petitioners maintaining with the HDFC Bank Limited, DN-1, Eternity Building, Salt Lake, Sector – V Branch being Current Account no. 50200059641491.
3. The petitioners submit that the petitioner no. 1 is a company and maintaining the Current Account with the HDFC Bank. On June 27, 2024 the account of the petitioners has been freezed by the Bank and the Bank has informed the petitioners that the account of the petitioners' has been marked 'No Debit' pursuant to the direction received from the Law Enforcement Agency of Karnal (Haryana), India in relation to complain/FIR no.

37 dated June 2, 2023 under Sections 419/420/120B of the IPC. Accordingly, the petitioners have filed the present writ application and praying for a direction to defreeze the account of the petitioners.

4. This Court finds that by a communication dated July 24, 2025 the Bank has informed the petitioners with regard to mark the account of the petitioners 'No Debit'. As per the direction received from the Law Enforcement Agency of Karnal.
5. The petitioners have made the Station Manhouse Officer (SHO), Cyber Crime Police Station, Karnal as respondent no. 5 in the present case and accordingly, served the notice to the respondent no. 5 but in spite of service of notice the respondent no. 5 has not appeared. Accordingly, by an order dated February 18, 2026 this Court has further directed to serve the notice upon the respondent no. 5 and in compliance of the said order, the petitioners have again sent a notice which was duly received by the respondent no. 5 but in spite of receipt of notice, none appears on behalf of the respondent no. 5.
6. In the order dated February 18, 2026 this Court has made it clear that in spite of the receipt of the notice, if the respondent no. 5 failed to appear before this Court or to file the report, this Court will dispose of the writ application without giving any further opportunity to the respondent no. 5.
7. The respondent/Bank has recorded the account of the petitioners has 'No Debit' only on the instruction of the Law Enforcement Agency of Karnal, Haryana. But in

spite of service of notice none appears on behalf of the Law Enforcement Agency. It is settled law that unless and until the Investigating Agency not obtained any order from the learned Court wherein the case is pending under Sections 106 and 107 of the BNS to freeze the account of a particular person, the Law Enforcement Agency cannot direct the Bank to freeze the account.

8. In the present case, neither the Bank nor the Investigating Agency has produced any document to show that the Investigating Agency have obtained any order from any Court for freezing the account of the petitioners.
9. The Bank has filed report alleging that on verification it was found that the overdraft account of the petitioners was one of the beneficiary accounts of the transaction.
10. It is the specific case of the petitioners that as per board resolution Rs. 2 crore at the interest rate of 14% per annum was provided to one Empire Logistic but the same was returned on the same day as the said company obtained loan from other sources at a lesser interest.
11. Considering the above, this Court finds that the freezing of the account by the Bank only on the instruction of the Investigating Agency though the Investigating Agency has not produced any document whether they have obtained any order from the any Court of law.
12. Accordingly, this Court is of the view, the freezing of the account the instruction of the Investigating Agency is not in accordance with law.

13. In view of the above, the Bank is directed to immediately defreeze the account of the petitioners and to allow the petitioners to operate the Bank account immediately.
14. WPA 21157 of 2025 is disposed of.
15. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)