

S/L 46
02.01.2026
Court. No. 25
suvayan

WPA 25900 of 2025

Dhaatri Mines & Resources Private
Limited & Anr.

Vs.

The Union of India & Ors.

Mr. Avirup Mondal
Mrs. Ahona Ghosh Mondal
Mr. Debdipta Sen

...for the petitioners.

Mr. Narendra Prasad Gupta

...for U.O.I.

Ms. Suchismita Chatterjee Ghosh
Mr. Malay K. Seal

...for R.B.I.

Mr. Avishek Guha
Ms. Sonal Agarwal

...for the respondent no. 4.

1. The affidavit-of-service filed by the learned counsel for the petitioner be kept with the record.
2. The petitioners were intended to transfer an amount of Rs. 22 lakhs in the account of the respondent no. 6 namely M/s. M.S. Trading but inadvertently the amount has been transferred in the account of the respondent no. 7 namely M/s. M.S. Trading Co. When the petitioners have realized that instead of transferring the amount in the account of the respondent no. 6, the amount has been transferred in the account of the respondent no. 7, the petitioners have immediately requested the Bank to refund the said amount in the account of the petitioners from the account of the respondent no. 7 but the Bank has not returned the same.

3. The petitioners have earlier filed a writ petition before this court being WPA 11961 of 2021 and this Court by an order dated August 5, 2025 has disposed of the said writ petition by directing the Ombudsman to consider the petitioners' representation and to decide the matter by giving an opportunity of hearing to the petitioners and other interested parties.
4. The petitioners further submitted that as the Rs. 22 lakhs inadvertently transferred in the account of the respondent no. 7, the petitioners have transferred an amount of Rs. 22 lakhs in the account of the respondent no. 6. Thus the petitioners intend that the amount of Rs. 22 lakhs be returned in the account of the petitioners.
5. In compliance of the order passed by this Court, the Ombudsman has passed an order after giving an opportunity of hearing to the petitioners as well as the Bank and found that the Bank has already taken necessary steps to reverse the disputed amount to the petitioners but without debit consent from the respondent no. 7 it is not possible for the Bank to reverse the said amount in the account of the petitioners. Accordingly, the representation submitted by the petitioners was disposed of by the Banking Ombudsman by an order dated October 22, 2025. Being aggrieved with the said order the petitioners have filed the present writ application.
6. This Court finds that there is no dispute that the petitioners have transferred an amount of Rs. 22 lakhs in the account of the respondent no. 7. It is the specific case

of the petitioners that the petitioners intend to transfer the said amount in the account of the respondent no. 6 but inadvertently the account has been transferred in the account of the respondent no. 7. As the name of the respondent nos. 6 and 7 are same except the word "Co.". The bank has also admitted that the petitioners have transferred the said amount in the account of the respondent no. 7 and immediately the petitioners made a representation for refund the said amount in the account of the petitioners but the Bank is an obligation that unless and until the respondent no. 7 will not give the debit consent for transferring the said 22 lakhs rupees in account of the petitioners it is not possible for the Bank to transfer the said amount in the account of the petitioners.

7. Considering the above, this Court finds that there is no dispute that the petitioners have deposited an amount of Rs. 22 lakhs. It is also specific case of the petitioners that the petitioners intend to transfer the amount of Rs. 22 lakhs in the name of the respondent no. 6 but inadvertently it has been transferred in the name of respondent no. 7. When the Bank has received a representation from the petitioners from the Bank has kept the said amount on hold and till date the amount is on hold. The Bank has no objection for reverse the said amount unless the respondent no. 7 gives the debit consent. But the respondent no. 7 is neither coming before the Bank for giving consent nor appearing before this Court in spite of service of notice.

8. Considering the above, this Court finds that the respondent no. 7 is having no claim with regard to the amount of Rs. 22 lakhs as the respondent no. 7 has neither made any claim before the Bank for the amount of Rs. 22 lakhs nor has come before this Court for raising any objection for passing any order for return of the said amount in the account of the petitioners.
9. Accordingly, the respondent no. 4 is directed to reverse the amount of Rs. 22 lakhs in the account of the petitioners being Account no. 000605034807, IFSC Code ICICI00000006 of ICICI Bank, R. N. Kukherjee Branch, Kolkata within a period of two weeks from the date of receipt of this order.
10. WPA 25900 of 2025 is disposed of.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)