23.03.2026
Ct. No. 5
Sl. No.1
akd

In The High Court at Calcutta

<u>*Circuit Bench at Jalpaiguri*</u>

W. P. A. 664 of 2025

[Sukumar Ghosh -Vs- The State of West Bengal & Ors.]

Mr. Sandip Mandal
Mr. Amit Saha
Ms. Poonam Kaur
… … for the petitioner

Dr. Navin Barik
Ms. Esha Acharya
… for respondent nos.3 to 8

Mr. Subir Kumar Saha .. ld. A.G.P.
Mr. Momenur Rahman
… … for the State

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner has preferred the present writ petition challenging the reply/communication dated 05.02.2025 issued by the respondent no.2, whereby the request of the petitioner for disclosure of the detailed bank statement pertaining to respondent nos. 3 and 6 has been declined.

3. Learned Advocate for the petitioner submits that the petitioner was one of the Directors of the respondent no.3 company and was also a Director of the respondent no. 6 company from 17.11.1993 till 30.12.2016. It is further submitted that the petitioner continues to hold shares in the companies. Learned Advocate for the petitioner also submits that the respondent no.6 company has availed of substantial loan facility from the respondent no.2-Bank as well as other financial institutions. In such circumstances, the petitioner

sought the detailed bank statement of the said companies by way of a representation in order to ascertain their financial dealings and to safeguard his interest as a shareholder.

4. It is submitted that since the respondent no.2 failed to furnish the requisite information, the petitioner had approached this Court by filing a writ petition being WPA 2632 of 2024 (*Sukumar Ghosh vs. The State of West Bengal & Ors.*). By order dated 21.01.2025, this Court disposed of the said writ petition directing the respondent no.2 to consider and decide the petitioner's representation.

5. Pursuant to the said order, respondent no.2 passed the impugned reply dated 05.02.2025 rejecting the request of the petitioner.

6. Learned Advocate for the petitioner contends that the said rejection is arbitrary and unreasonable and contrary to law inasmuch as the petitioner being a former Director/shareholder is entitled to access such information relating to the affairs of the company.

7. Per contra, from the impugned reply it appears that the respondent no.2-Bank has rejected the request on the ground that the petitioner is not an authorized signatory of the concerned borrower companies and is not duly authorized by the Board of Directors to transact or communicate with the bank on behalf of the respondent companies in respect of their credit facilities. It is further submitted that the bank is under no statutory obligation to provide such information to the petitioner. The letter further states that the bank has a statutory obligation to maintain

confidentiality and secrecy of the customer's account and cannot disclose such information to third parties in the absence of proper authorization. It is noted that the petitioner's request is not supported by any board resolution or authorization from the company.

8. Heard the learned Advocates for the respective parties and perused the materials placed on record.

9. The short question which falls for consideration is whether the petitioner in his individual capacity as a Director/shareholder, can seek a writ of mandamus directing the bank to disclose detailed bank statements of a company which is a separate legal entity.

10. It is the settled principle of law that a company incorporated under the Companies Act is a distinct legal entity, separate from its Directors and shareholders. The affairs of the company are to be conducted by its Board of Directors in accordance with law and in terms of the Articles of Association of the company.

11. In the present case, admittedly, the petitioner approached the respondent no.2-Bank in its individual capacity without any authorization from the Board of Directors of the concerned company. There is nothing on record to demonstrate that the petitioner is an authorized signatory or has been empowered by a valid authorization from the Board of Directors to seek such information from the bank.

12. The relationship between the bank and its customer is governed by the duty of confidentiality. The bank cannot

disclose the financial details of its constituent to a third party except under circumstances recognized by law or upon proper authorization. In the absence of such authorization, the bank would be justified in refusing disclosure of information sought by the petitioner. The contention of the petitioner that he is a shareholder and former Director does not by itself entitle him to seek disclosure of the bank statements directly from the bank bypassing the corporate structure and internal governance mechanism of the company.

13. In such circumstances, this Court finds no illegality and/or infirmity in the decision of the respondent no.2-Bank in its reply dated 05.02.2025.

14. Accordingly, the present writ petition is devoid of any merit and is thus dismissed.

15. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

16. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)