

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

WPO/801/2025

ISHWARI PRASAD TANTIA AND ANR.  
VS  
STATE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 15<sup>th</sup> January, 2026.

Appearance:

Mr. Krishnaraj Thaker, Adv.  
Mr. Rohit Banerjee, Adv.  
Ms. Antalina Guha, Adv.  
Mr. Sudarshan Kr. Agarwal, Adv.  
Ms. Anushka Chatterjee, Adv.

Mr. Debabrata Das, Adv.  
Mr. A. Sarkar, Adv.  
Mr. Pratik Banerjee, Adv.  
...for RBI

Mr. Sukanta Ghosh, Adv.  
Mr. Rohan Chamria, Adv.  
..for the respondent nos. 1 & 2

1. The petitioner has filed the present application praying for setting aside the impugned order dated 17<sup>th</sup> October, 2025 issued by the respondent no. 2 wherein the account of the petitioner declared as fraud.
2. The petitioner says that on 1<sup>st</sup> April, 2025 the bank has issued show cause notice upon the petitioner directing the petitioner to show cause as to how the account of the petitioner shall not be declared as fraud.
3. In the show cause notice, the bank has disclosed some of the pages of the Forensic Audit Report. On receipt of the show cause notice, though the petitioner has submitted reply but in the reply, the petitioner has

categorically stated that the petitioner has not received several documents, including the forensic audit report and the description of the documents has also been forwarded along with the show cause reply. After the receiving the show cause reply, without considering the request made by the petitioner for supply of the documents, the respondent had issued the impugned order by declaring the account of the petitioner fraud.

4. This Court considered the show cause notice dated 1<sup>st</sup> April, 2025 issued by the bank wherein the bank has only disclosed pages 20, 32, 33, 34, 36, 37 and 38 of the Forensic Audit Report instead of supplying the entire Forensic Audit Report.
5. It is admitted that the respondent authority has not supplied the entire Forensic Audit Report to the petitioner. In the show cause reply, the petitioner has disclosed the list of documents containing 51 documents but the same has also not been supplied. In the judgment passed in State Bank of India & Ors. Vs Rajesh Agarwal & Ors. (Civil Appeal No. 7300 of 2022) the Hon'ble Supreme Court has categorically held that the copy of the Forensic Audit Report is required to be served upon the party so as to enable the party to give appropriate reply to the show cause notice. In this case, admittedly, the Forensic Audit Report along with other documents has not been supplied to the petitioner.
6. Considering the above, this Court find that the respondent authority has passed the impugned order dated 17<sup>th</sup> October, 2025 by violating the provision of audi altarem partem by not providing the copy of the

Forensic Audit Report and the other documents which the petitioner has requested the bank to supply in the show cause reply.

7. Accordingly, the order dated 17<sup>th</sup> October, 2025 wherein the Bank has declared the account of the petitioner as fraud, is set aside and quashed. The bank is directed to supply the forensic audit report along with the list of documents as mentioned in Annexure P8 of the present writ application within in a period of four weeks from the date of receipt of this order.
8. On receipt of the Forensic Audit Report and the documents, the petitioner shall file supplementary reply to the show cause notice within a period of three weeks. On receipt of the supplementary reply, if any, filed by the petitioner, the bank shall pass necessary order within a period of two weeks thereafter.
9. WPO/801/2025 is disposed of.

(KRISHNA RAO, J.)