



**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7294-2026 (O&M)

Date of Decision: 01.05.2026

Sanjay Kumar

...Petitioner

Versus

Bank Of Baroda and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Harsh Jain, Advocate
for the petitioner.

Mr. Naman Jain, Advocate and
Ms. Vaishali Jain, Advocate
for respondents No.1 and 2.

Mr. Ravi Kamal Gupta, Advocate
for respondent-CBI.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent Nos. 1 & 2-Bank of Baroda to reverse entry of Rs.6,87,000/- or in alternative refund aforesaid amount to him.

2. The petitioner claims that he by mistake transferred a sum of Rs.6,87,000/- in the account of M/s Shree Banke Bihari Oil Mills. The amount had to be transferred to M/s Bihari Lal Aggarwal & Co., Hathras. The petitioner approached respondent-Bank the moment he came to know that amount has been inadvertently transferred to M/s Shree Banke Bihari Oil Mills. It was an online transfer, thus, mistake occurred. M/s Shree Banke Bihari Oil Mills is a defaulter firm and CBI inquiry is pending

against it. The respondent-Bank asked him to furnish indemnity bond for release of said amount. The petitioner has already furnished indemnity bond.

3. Learned counsel for respondent-CBI submits that they have no objection if amount involved is released to petitioner.

4. Learned counsel for the respondent-Bank submits that there was no lapse on the part of Bank. Mistake, if any, was committed by the petitioner. The Bank cannot return money without consent of the account holder who is a defaulter and proceedings are pending against it. It is a disputed question of fact.

5. Heard the arguments and perused the record.

6. Contention of the respondent-Bank that it is a disputed question of fact is mis-conceived and indicates non-genuine intention of the Bank. No Authority including private entity has right to retain or withhold any lawful property of anyone. As per Article 265 of the Constitution of India, no tax can be collected without authority of law meaning thereby, even tax cannot be collected without the authority of law. The petitioner is claiming a sum of Rs.6,87,000/- which he by mistake transferred in the account of M/s Shree Banke Bihari Oil Mills. The said amount falls within the definition of property under Article 300A of the Constitution of India which recognizes right of property. The right of property is not a fundamental right, however, is a constitutional right. The respondent has no right to withhold money of the petitioner. The act of respondent amounts to violation of Article 300A of the Constitution of India. Even as per principles of Indian Contracts Act, 1872 no person has right to withhold property of any other person which

is received by mistake.

7. In the backdrop, this Court is of the considered opinion that respondent-Bank must return aforesaid amount to petitioner within seven days from today. Ordered accordingly.

8. ***Disposed of.***

9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.05.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No