



115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-36922-2025 (O&M)
Date of Decision: 11.03.2026

M/s Western Lifesciences

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Himanshu Munjal, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for respondent No.4.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of closure report dated 25.11.2024 and direction to respondents to reverse IMPS transaction dated 18.07.2024 of ₹4,00,000/-.

2. On 10.12.2025, this Court passed the following order:-

“Counsel for the petitioner states that petitioner had inadvertently electronically transferred an amount of Rs.4,00,000/- to the account of respondent No.5. He submits that vide affidavit, Annexure P-5, respondent No.5 has deposed that the amount does not belong to him and he has no objection in case the amount is refunded to the petitioner. Counsel asserts that respondent No.4-IDBI Bank is not reversing the transaction. On advance intimation, Mr. Gaurav Goel, Advocate, requests for deferment to get instructions. List on 18.12.2025.”

3. Learned counsel for respondent No.4 submits that writ petition is not maintainable against IDBI Bank Limited because it is a

private entity. Different High Courts have already held that IDBI Bank Limited is a private entity, thus, writ petition is not maintainable. He further submits that Bank has absolute right to retain money deposited by petitioner and utilize towards liability of respondent No.5.

4. Heard the arguments and perused the record.

5. From the perusal of record, it is evident that petitioner had electronically transferred a sum of Rs.4,00,000/- in the account of respondent No.5. Ombudsman has closed petitioner's complaint holding that it was negligent. The writ petition may not be maintainable against IDBI Bank Limited, however, is certainly maintainable against orders of Ombudsman. The petitioner has no other remedy qua orders of Ombudsman. The respondent No.4 has not brought on record any evidence to prove that money actually belonged to respondent No.5 or petitioner intentionally in discharge of its liability deposited aforesaid amount in the account of respondent No.5. If money belongs to petitioner, it cannot be withheld by any authority. Contention of respondent No.4 that it has right to utilize petitioner's money against respondent No.5's liability is misconceived. The bank has no authority to utilize funds of anyone in discharge of liability of third party. The bank has taken unreasonable, untenable and manifestly arbitrary stand. The stand of bank deserves to be deprecated. As per Article 265 of Constitution of India even State cannot charge any tax without authority of law. Right of property is not a fundamental right, however, as per Article 300A of the Constitution of India is a constitutional right. In the absence of evidence on the part of respondent No.4 that they have authority to withhold money or money belongs to bank or respondent No.5, they have no right

to retain petitioner’s money because it amounts to violation of Article 300A of Constitution of India.

6. In the wake of above discussion and findings, the impugned order is hereby set aside and respondent No.4 is directed to release aforesaid amount subject to furnishing of indemnity bond by petitioner. Let the needful be done within four weeks from today.

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

(JAGMOHAN BANSAL)
JUDGE

11.03.2026
Prince Chawla

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