

18.09.2026
Court No.25
D/L No.13
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 22190 of 2026
Ankit Poddar
Versus
Axis Bank Limited & Ors.

Mr. Suddhasatva Banerjee (VC)
Mr. Varun Kedia
Mr. Avee Jaiswal

...for the Petitioner

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Pujal Musahib

...for the Respondent No.1

Mr. Debabrata Das
Mr. A. Sarkar
Mr. Pratik Acharjee

...for the Respondent No.3

1. The petitioner has filed the present writ application challenging the undated impugned order wherein the bank has classified the petitioner's company as fraud.
2. Learned counsel appearing for the petitioner submits that in the undated impugned order, the bank has referred the order of the bank dated May 14, 2025 but the said order has not been served upon the petitioner. He further submits that the petitioner has also not received any show cause notice from the bank and without service of show cause notice, the bank has issued the undated impugned order classifying the petitioner's company as fraud. Learned counsel for the petitioner draws the attention of this Court to the Schedule II of the impugned order wherein it is mentioned that "*As per the new RBI Master direction*

dated 15.07.2024 a show cause notice dated 21.03.2025 is sent to the builder M/s Paramount Squire for the decision on classification of the account as 'Fraud' or otherwise to be taken after giving opportunity to the builder of being heard, however the notice was undelivered to the builder as address was incomplete/sufficient".

3. Learned counsel for the petitioner submits that the bank in the said Schedule II, it is alleged that the show cause notice could not be delivered but the other communications have been delivered to the petitioner, as such, the bank, intentionally without issuing the show cause notice, has passed the impugned order without giving any opportunity of hearing to the petitioner.
4. This Court by an order dated September 15, 2026 directed the bank to bring on record to show whether the show cause notice is served upon the petitioner or not. Today when the matter is taken up for hearing, the bank submits that as per the record of the bank, no notice has been served, only the notice was sent to the petitioner's registered address but it was returned as undelivered.
5. Considering the submissions made by the learned counsel for the respective parties and perusing the materials on record, this Court finds that the bank, without giving any opportunity of hearing and without serving the show cause notice to the petitioner, has

passed the undated impugned order. Thus, the impugned order wherein the petitioner's company has been declared as fraud is set aside and quashed. The bank has also not produced any documents that the order dated May 14, 2025 which the bank has referred in the impugned order has also not been served to the petitioner and accordingly, the said order is also set aside and quashed.

6. However, this order will not prevent the bank to take appropriate steps against the petitioner in accordance with law after giving an opportunity of hearing to the petitioner.
7. Accordingly, WPA 22190 of 2026 stands disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)