

15.10.2026
Court No.25
D/L No.7
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 30298 of 2026
Mahesh Kumar Kejriwal & Ors.
Versus
Indian Bank & Ors.

Mr. Aniruddha Mitra, Sr. Adv.
Mr. Debdut Mukherjee
Mr. Ishaan Saha
Mr. Kaushik Banerjee
Ms. Rashmita Sen

...for the Petitioners

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
Ms. Moumita Sharma

...for the Respondent Nos. 1 & 2

1. The petitioners have filed the present writ application challenging the impugned order dated September 23, 2026 wherein the Wilful Defaulter Identification Committee declared the petitioners as willful defaulter. The main grievance of the petitioners that the Wilful Defaulter Identification Committee has issued the impugned order on the basis of the order passed by the Wilful Defaulter Identification Committee within (Stage II) but this Communication dated September 23, 2026 does not provide the order passed by the Wilful Defaulter Identification Committee.
2. Mr. Mitra, learned senior counsel appearing for the petitioners submits that unless and until the order passed by the Wilful Defaulter Identification Committee is not provided to the petitioners, the petitioners would not be in a position to submit reply to the Review

Committee. He further draws the attention of this Court that the bank has initiated the proceeding in the year 2020 by issuing the show cause notice on January 24, 2020. The petitioners have submitted the reply to the show cause notice

3. Learned counsel for the petitioners submits that the show cause notice was issued in 2020 and the petitioners have submitted reply to show cause notice but only on September 5, 2026 the Wilful Defaulter Identification Committee has taken the decision that is after the period of six years.
4. Learned counsel for the petitioners has relied upon the judgment in the case of State Bank of India vs. Jah Developers Private Limited & Ors. reported in (2019) 6 SCC 787 wherein the Hon'ble Supreme Court has held that the First Committee after following Para 3(b) of the Revised Circular dated 1-7-2015, must give its order to the borrower as soon as it is made. The borrower can then represent against such order within a period of 15 days to the Review Committee.
5. On earlier occasion also the petitioners have filed writ petition before this Court in WP 13367(W) of 2019 challenging the decision of the Identification Committee. This Court set aside the said decision of the Identification Committee and directed the Identification Committee to proceed against the person concerned under the Master Circular on Wilful Defaulters and in the event the Identification

Committee is of the view that appropriate steps are to be taken under the Master Circular on Wilful Defaulters, it will communicate its decision to the persons who will be affected by such decision.

6. In the present case though the Wilful Defaulter Identification Committee has communicated the decision by a letter dated March 29, 2026 but the order passed by the Wilful Defaulter Identification Committee has not been provided to the petitioners.
7. Learned counsel appearing for the bank failed to brought to the notice of this Court whether the decision taken by the Wilful Defaulter Identification Committee was communicated to the petitioner or not.
8. In view of the above, the impugned communication dated September 23, 2026 issued by the Wilful Defaulter Identification Committee of bank is set aside and quashed. However, this order will not prevent the bank for taking appropriate action against the petitioners by communicating the order passed by the Wilful Defaulter Identification Committee dated September 5, 2026 to the petitioners.
9. Accordingly, WPA 30298 of 2026 is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)