

31.03.2021

Item No.07
Court No.03
Suvendu /Avijit

W.P.A. No. 8811 of 2021

(Via Video Conference)

**In re: Gupta Shome and Associates & ors.
- Versus -
Reserve Bank of India & anr.**

Mr. Srijib Chakraborty,
Mr. Suryanil Das

For the Petitioners

Heard the learned advocate appearing on behalf of the petitioners.

None appears on behalf of the respondents-bank authorities, in spite of prior notice to the respondents. Affidavit-of-service on behalf of the petitioners to that effect has been filed in Court, is taken on record.

Today, considering the extreme urgency in the matter, I granted leave to the petitioners to move this application with a further notice upon the respondents-bank authorities and in compliance of my direction, the petitioners have served again upon the respondent no.1 which has duly been acknowledged and upon the respondent no.2 who has refused to accept the notice, as per submissions of the learned advocate appearing for the petitioners.

Learned advocate appearing for the petitioners pleaded the urgency in paragraph 23 of

the writ petition and submits that if no interim order protecting the interest of the petitioners is passed, the writ petition will become infructuous.

It is the case of the petitioners that they have been appointed as Statutory Branch Auditors by the erstwhile Allahabad Bank, which has now been merged into Indian Bank. Learned advocate appearing for the petitioners draws the attention this Court to annexure P -1 to the writ petition containing guidelines of the Reserve Bank of India and policy for appointment of Statutory Branch Auditors issued by Allahabad Bank, Reserve Bank of India and Indian Bank. Learned advocate further submits that as per the guidelines of the Reserve Bank of India, petitioners can be appointed for a maximum period of four years and they cannot be removed during the above period without the prior approval of the Reserve Bank of India. It is the case of the petitioners that the last date of appointment for the Statutory Branch Auditors is 31st March, 2021 for the financial year 2021 and till date, being the last date, there is no communication with regard to the appointment of the petitioners. It is also submitted that if at all they have been removed, that has also not been communicated to the petitioners till date as per the guidelines and policies by the respondents-bank authorities that a

prior approval is required from the Reserve Bank of India prior to such removal.

Since the respondents-bank authorities are not represented in spite of due notice, I am not in a position to ascertain whether any prior approval for removal of the petitioners has been taken, if at all they have been removed, or the grounds on which they are not being allowed to continue up to four years which is the maximum period.

Considering the facts as above and not getting any instruction or stand of the respondents-bank authorities in the matter, I am inclined to pass the *ad interim* order to the effect that if the respondent-bank concerned has not appointed any other person in place of the petitioners, in that event the respondent-bank authority will not give any new appointment in this regard till 7th April, 2021 and if the respondent-bank authorities have already given appointment to the new person in place of the petitioners, in that case such appointment will abide by the final decision of this writ petition.

Let this matter appear before the Regular Bench on 5th April, 2021.

Learned advocate for the petitioners is directed to communicate this order immediately to the respondents-bank authorities.

(Md. Nizamuddin, J.)