

his report at page no. 14 that “during the course of our audit, we have been shared information from CRILC by the lead bank for one of the group associate entity M/s. Pratibha Milk Industries, where we have noted that the said entity has been declared as fraud in CRILC”. In support of this contention, the learned Counsel for the Petitioner relies on page 32 of the petition which reads thus:

“The Petitioner further states that in one of the forensic audit report issued by Raj Niranjana Associates appointed by the Bank of India in relation to the account of one of sister concerned of the Petitioners i.e. Pratibha Krushi Prakriya Limited have observed in his report at page No. 14 that “during the course of our audit, we have been shared information from CRILC by the lead Bank for one of the group associate entity M/s. Pratibha Milk Industries, where we have noted that the said entity has been declared as fraud in the CRILC”. The Petitioner craves to refer and rely upon the said forensic audit report as and when required. The Petitioners states that Respondent Nos. 1 and 2 have without following due process of law and principle of natural justice prior to taking such drastic steps against the Petitioners have arbitrary and ex-parte reported the Petitioners account as fraud to CRILC which is bad in law, illegal and unwarranted.”

3. The learned Counsel for the Petitioner submits that neither the Respondent nor any authority has complied the order passed by this Court in Writ Petition No. LD/VCAS/SJ No. 104 of 2020, dated 06th October 2020. He submits that by order dated 06th October, 2020 this Court specifically directed to follow rules. Para 4 of the said order reads thus :

“Accordingly, Rule is partly made absolute and the Petition is disposed of in terms of the following order:-

(i) Respondent No. 1 shall make available to the Petitioners the forensic audit report for the review period FY 15-16 to FY 18-19 used by it for initiating the present inquiry, within a period of two weeks from today.

(ii) The Petitioners shall be at liberty to file an additional reply to the show cause notice dealing with the above referred forensic audit report. The Petitioners must file such additional reply, if any, within three weeks of receipt of the forensic audit report from the Respondent-Bank.

(iii) The Respondent-Bank, thereafter, shall conduct a hearing and give atleast one more opportunity to the Petitioners to place their submissions orally before the designated Authority of the Respondent-Bank considering the show cause notice.

(iv) In case the order of the show cause notice inquiry is against the Petitioner, the same shall not be published or implemented at least for a period of two weeks from the date of the order.

(v) No order as to costs.”

4. The learned Counsel for the Petitioner submits that the Petitioner requires one week time to place on record on what basis the auditor Raj Niranjana Associates made statement in their audit report that Petitioner declared fraud in the CRILG. The Petitioner is permitted to file additional affidavit with copy to other side on or before 31.03.2021.

5. The matter to appear on board on 05.04.2021.

[ABHAY AHUJA, J.]

[K.K. TATED, J.]