IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1631 OF 2026

[Manoj Kumar Jayaswal S/o Bansantilal Shah and another **Vs.** Bank of India and others]

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders.	Court's or Judge's order

Shri Nishant Gurnani, holding for Shri C.S. Dhore, Counsel for Petitioners.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 23rd FEBRUARY, 2026.

1. Heard the learned counsel for the petitioners.

2. The petitioners seek challenge to the Forensic Audit Report dated 30th May, 2018 prepared by T.R. Chadha & Co. LLP, Chartered Accountants, in relation to the respondent No.6.

3. The grounds of challenge are mentioned in the writ petition.

4. The learned counsel for the petitioners has invited our attention to Clause 2 of the aforesaid Report at record Page 74 and Clauses 11 to 16 of the said Report at record Page 75, which read thus :

> *"2. Our scope of work is not equivalent to an audit conducted in accordance with generally accepted auditing standards, an examination of internal controls, or other attestation or review services or services to perform agreed upon procedures in accordance with the standards established by The Institute of Chartered Accountants of India."*

> *"11. These observations are furnished solely for the information of the Bank in connection with the scope of work provided to TRC vide engagement/appointment letter in this regard."*

> *"12. Save as expressly provided hereinabove, this report and the related observations should not be used, circulated, quoted or otherwise referred to for any other purpose, nor included or referred to in whole or in part in any document without our prior written*

consent. Further, TRC assumes no responsibility to any user of the observations other than the client. Any other persons who choose to reply on these observations do so entirely at their own risk."

"13. The lenders need to take legal opinion to determine criminality of the promoter/borrower, if any, and accordingly classify as 'Red Flagged Account'/ 'Wilful Defaulter'/ 'Fraud Account' as per RBI requirement."

"14. In no circumstances shall we be liable, for any loss or damage, of whatsoever nature, arising from information material to our work being withheld or concealed from us or misrepresented to us by any person of whom we made information requests at the Company/Banks or on the field. Our liability in any case in any matter shall be limited to the fees being paid to us."

"15. Save as may be separately agreed to in writing between the Bank and us, we do not agree to testify or act as expert witness in any court of law or arbitration tribunal."

"16. TRC does not assure that its forensic audit would lead to identification of the source of the fraud. However, TRC has executed detailed work steps as identified and agreed in our scope of work."

5. Issue notice to the respondents, returnable on 9th March, 2026.

6. The petitioners are permitted to serve the respondents by private mode, in addition to regular mode and file an affidavit by next date, failing which the petitioners shall deposit costs of Rupees Five Hundred with the High Court Gazetted Officers' Association, Nagpur.

7. Office objection(s), if any, shall be removed before the next date.

8. In view of the disclaimer vide Clauses 12 and 16 at record Page 75, there shall be interim relief as follows :

In the meanwhile, it is directed that the respondent Nos.1 to 5 shall not use the aforesaid Forensic Audit Report dated 30th May, 2018 prepared by T.R. Chadha & Co. LLP, Chartered Accountants, which is at record Page 60, against the petitioners before any other authorities till next date.

(RAJ D. WAKODE, J.) **(ANIL S. KILOR, J.)**

LANJEWAR