

(2022) 09 OHC CK 0149

In the Orissa High Court

Case No : Writ Petition (C) No. 10639 Of 2022

Kalinga Institute Of Mining Engineering And Technology, Angul

APPELLANT

Vs

BM, SBI, Hulurisingha, Angul

RESPONDENT

Date of Decision : 21-09-2022

Acts Referred:

Citation : (2022) 09 OHC CK 0149

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : A.P. Bose, A.K. Mishra

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Bose, learned advocate appears on behalf of petitioner and submits, his client is Principal of Kalinga Institute of Mining Engineering and Technology (KIMET), Chhendipada. He draws attention to pages 30 and 31 in the writ petition to demonstrate, duplicate Short Term Deposit Receipts (STDRs) both dated 26th April, 2019 stood issued to Principal KIMET, Chhendipada. His client surrendered the receipts in requiring the bank to pay the proceeds on premature encashment, along with accruals. He then refers to the institute's letter dated 2nd January, 2019, written by his client, bearing endorsement by the bank on verifications made. He demonstrates from the endorsement, the bank thereafter cannot have a doubt regarding identity of his client. He submits, to avoid payment the bank issued impugned letter dated 24th May, 2021. He submits, pleadings are complete. There be interference.

2. Mr. Mishra, learned advocate appears on behalf of the bank and submits, unless requisitions made in impugned letter dated 24th May, 2021 are complied with, his client will be exposed to risk of allegation that premature encashment and payment, if made, was unauthorized.

3. The bank will file additional affidavit disclosing information as is required.

(i) Documents executed by Principal, KIMET, Chhendipada on making the Short Term Deposits.

(ii) Any other document submitted by the depositor at that time is also to be disclosed.

(iii) Relevant rules in respect of creation and encashment of Short Term Deposits.

4. The affidavit should not carry pleadings in explanation. It will be accepted on adjourned date upon advance copy served.

5. List on 14th October, 2022.

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