

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:-

The Hon'ble Justice Madhuresh Prasad

And

The Hon'ble Justice Prasenjit Biswas

M.A.T. 1214 of 2026

With

I.A. No. CAN 1 of 2026

With

M.A.T. 1215 of 2026

With

I.A. No. CAN 1 of 2026

With

M.A.T. 1216 of 2026

With

I.A. No. CAN 1 of 2026

Krishna Damani & Ors.

Vs.

Ravindra Pratap Singh & Ors.

For the Appellant
In MAT 1214 of 2026

: Mr. Nalin Kohli, Sr. Adv., (VC)
Mr. Debartha Chakraborty,
Ms. Siddhi Agarwal,

For the Appellant
In MAT 1215 of 2026

: Mr. Krishna Raj Thakkar, Sr. Adv.,
Mr. Debartha Chakraborty,
Ms. Siddhi Agarwal,
Mr. Sagar Dutta,

For the Appellant
In MAT 1216 of 2026

: Mr. Suddhasatva Banerjee,
Mr. Debartha Chakraborty,
Ms. Siddhi Agarwal,
Mr. Sagar Dutta,
Mr. Sagar Dutta,

For the Respondent Nos. 1 & 2	: Mr. Abhrajit Mitra, Sr. Adv., Mr. Jishnu Chaudhury, Sr. Adv., Mr. Saumya Roy Choudhury, Mr. Chayan Gupta, Mr. Satadeep Bhattacharyya, Mr. Samriddha Sen, Mr. P. Banerjee, Mr. Abhijit Sarkar,
For the Respondent No. 7	: Mr. Ranjan Bachwat, Sr. Adv, (VC) Mr. Sayan Ray Chaudhury, Mr. Sanjiv Kumar Trivedi, Mr. Sanket Sarwgi, Mr. Satyaki Mukherjee, Mr. Bhavesh Garodia,
For the RBI	: Ms. Suchismita Ghosh,
Heard on	: 04.08.2026
Judgment on	: 05.08.2026

Madhuresh Prasad, J.:

1. The present intra-court appeals arise out of a common order passed on three different applications (CAN 2 of 2025) filed by present appellants in WPA NO.6088 of 2025, WPA 6112 of 2025; and WPA No.6099 of 2025.
2. The writ petitions were filed by the petitioners therein challenging an order whereby and whereunder the bank accounts were frozen by the Axis Bank Limited.
3. The learned Single Judge passed an order on 09.04.2025 passing directions for defreezing of the accounts of the writ petitioners. The order was subject to deposit of indemnity bond as per banking norms and giving liberty to the writ petitioners for raising any other issues arising out of freezing of the accounts.

4. The order of the writ court was not being implemented, giving rise to contempt application CPAN No.953 of 2025.
5. One application, CAN 1 of 2025 was filed by the Axis Bank seeking clarification of the order dated 09.04.2025 as regards details of signatories who may be allowed to operate the accounts upon defreezing of the same.
6. At this juncture, the present appellants filed applications (CAN 2 of 2025) seeking intervention in a disposed of writ petition and recall of the final order dated 09.04.2025 passed in the writ petition. The learned Single Judge passed an order on 19.06.2025 directing that the final order in the writ petition dated 09.04.2025 shall not be acted upon by any parties for the time being.
7. The order dated 19.06.2025 was put to challenge by the writ petitioners in MAT 989 of 2025, MAT 990 of 2025 and MAT 991 of 2025. In the appeal filed by the writ petitioners, before the Division Bench, it was submitted that the applicants were not necessary parties to the writ petition. Several grounds were urged before the Division Bench including grounds that the bank was required to approach the proper forum for an appropriate order of injunction, if at all the bank believed the account was required to be frozen. Acting only on a complaint the accounts could not have been frozen. It was also urged that the account was frozen on complaint of the erstwhile directors in view of the pending management dispute. Marking of the management dispute was subsequently reversed and the writ

petitioner company was unmarked and thereafter there was no management dispute. The bank was intimated regarding such demarking.

8. It was also contended that the present applicants were no longer directors of the writ petitioner company. They were erstwhile directors of the writ petitioner/company. Their removal was also put to challenge under Section 241 and 242 of the Companies Act, 2013. The same was dismissed by the National Company Law Tribunal (NCLT), and an appeal is pending before the National Company Law Appellate Tribunal (NCLAT). Since currently the applicants are not directors in the writ petitioner /company the applicants have no *locus standi* to claim intervention in the writ petition.
9. It was also urged by the writ petitioners before the Division Bench that the Axis Bank was acting in tandem and in collusion with the present applicants.
10. The present applicants/appellants, however, contended before the co-ordinate Bench that since an appeal was pending before the NCLAT it cannot be said that there is no pending management dispute. Under the circumstances, at this stage, a permission to operate the accounts would be pre-judicial to the interest of the Company. The accounts, therefore, should continue to be frozen till pendency of the appeal before the NCLAT.
11. It was submitted that the accounts were initially frozen on the complaint made by the present applicants and therefore, they were

necessary parties to the writ petition. The writ petitioner suppressing these facts have obtained the order from the writ court behind the back of the applicants. Therefore, a case was made out for intervention of the present applicants; and recall of the final order dated 09.04.2025 passed in the writ proceeding.

12. After giving a detailed consideration to the issue, the Division Bench allowed the appeal and set aside the order dated 19.06.2025 and requested the learned Single Judge to take up all pending applications together as per convenience of the Bench. The Division Bench thought it proper that the learned Single Judge dispose of the recall application filed by respondents 5 to 7 and clarificatory application filed by the Axis Banks first; and thereafter decide the contempt application subject to outcome of the recall application.

13. The judgement of the Division Bench dated 05.01.2026 was assailed before the Hon'ble Supreme Court of India in SLP (C) No(s).10604 of 2026 and analogous matters. The Hon'ble Supreme Court of India by an order dated 11.05.2026 found no error in the judgment dated 05.01.2026 passed by the Division Bench. The Apex Court however, clarified

“5. It is needless to clarify that the Single Judge shall decide the applications without being influenced in any manner by any of the observations made in paras 30 to 48, respectively of the impugned order.

6. The Single Judge shall take up all applications pending before him for hearing and see to it that they are all disposed of within a period of three months from today.”

14. The pending applications (CAN 2 of 2025) for intervention and recall of the order were thereafter decided by the Hon'ble Single Judge by an order dated 23.07.2026 passed in the three writ petitions. The three orders are in the same terms and are the subject matter of the present intra-court appeal.
15. Mr. Kohli, learned Sr. Advocate appearing virtually on behalf of the appellants submitted in the present proceeding also that the rights *inter partes*, i.e., between the writ petitioner and the applicants are pending in several other proceedings. The present dispute related to the testamentary proceeding concerning the last will and testament of Lt. Priyamvada Devi Birla of the Birla family. It is submitted that removal of the present applicants as directors is pending in the appeal before the NCLAT. The submission regarding initial freezing of the accounts in question at the instance of the applicants is also reiterated in the present proceeding. In the event, the accounts are made operative the same would have far reaching and wide ramifications. The interest of the writ petitioner company may be put to irreparable injury.
16. The background as noted gives rise to many issues of facts and law arising because of the pending dispute between the parties. The account has been inoperative since 2021. Thus, there was no occasion for defreezing of the same, which was allowed by the order dated 09.04.2025 passed by the writ court.

17. In view of the wider gamut of pending issues, the rights claimed and allowed by the writ court rests on a weak foundation, since the rights are subject to determination in various proceedings. If the foundation collapses the superstructure which the writ petitioners are building on such weak foundation would collapse. The learned senior advocate referred to the legal maxim “*sublato fundamento cadit opus*”.
18. Mr Banerjee learned advocate appearing on behalf of the applicants in MAT 1216 of 2026 also raised an issue that the learned Single Judge has recorded certain findings in the order in paragraph 16 to 20 of the impugned order which are likely to prejudice the applicants in the other disputes including their pending appeal before the NCLAT. Insofar as such submission is concerned, we only observe that whatever has been recorded in the impugned order dated 23.07.2026 was considered for the limited purposes of deciding the applications filed by the present appellants.
19. Mr. Thakkar submitted that an order was passed on 18.07.2025 in the matter pending before the NCLAT, with consent of parties deferring the hearing of the appeal due to pendency of C.A. No. 4587 of 2024 before the Hon’ble Supreme Court of India. Therefore, the applicants cannot derive any benefit of the fact of pendency of the matter before NCLAT. He also submits that it is evident from the order dated 18.07.2025 that the writ petitioner is conscious of the effect of pendency of the C.A. No. 4587 of 2024 on the other pending proceedings.

20. Such submission in our view does not in any way enure to the benefit of the appellant. The factual position remains that the appellants ceased to be director. Their removal was not interfered with, till date, in any proceeding.
21. Mr. Mitra, the learned Senior advocate representing the writ petitioners submitted that the present applicant/appellants had no locus for being impleaded as parties in a disposed of writ petition. The learned Single Judge took note of the undisputed fact that the applicants were no longer Directors of the company. Till date they have not obtained any order from the NCLAT in this regard. No complaint was filed by the present applicants in their individual capacity.
22. The Hon'ble Single Judge thus concluded that the applicants are presently in no way related with the company/writ petitioner. The complaint lodged by them while they were erstwhile signatories and directors of the company, is no longer relevant, since the applicants have been removed from the status of directors. The learned Single Judge also considered the business interest of the writ petitioner company to be adversely affected by freezing of the accounts.
23. The applicants had no right to intervene in the writ petition filed by the company. The learned Single Judge thus held that the applicants were neither necessary nor proper parties for adjudication of the writ proceeding.

24. While passing the order rejecting their application for intervention and recall, the learned Single Judge observed that the plea regarding other disputes being pending is not relevant, as the same are to be considered and adjudicated upon in the fora, where the same is pending. The appellants claim for intervention was thus rejected since applicants had no locus in the disposed of writ petition; and that they were not necessary and proper parties.

25. Mr. Mitra learned Senior advocate submitted that the applications were filed in a disposed of writ proceeding. The writ court was not in *seisin* of the matter and therefor became *functus officio*. He has drawn attention of the court towards the order passed by the Division Bench in MAT 989 of 2025 and analogous cases. He has placed reliance on paragraphs 42 to paragraphs 48 of the judgment. The same was objected to by Mr. Thakkar, learned Senior Advocate for the appellant relying of the order dated 11.05.2026 passed in SLP (C) No(s).10604 of 2026 by the Hon'ble Supreme Court of India, which in clear terms stated that the learned Single Judge while deciding the application without being influenced in any manner by observations made in paragraphs 30 to 48 of the judgment in MAT 989 of 2025. From a bare perusal of the order of the learned Single Judge, under appeal we find that the learned Single Judge did not take into consideration the observations made by the Co-ordinate Bench in MAT 989 of 2025.

26. Mr. Mitra has also laid emphasis on the time frame fixed by the Apex Court, for disposal of the matter before the learned Single Judge, i.e., within 3 months from 11.05.2026. He submits that the order dated 23.07.2026 passed by the learned Single Judge is a well-considered order requiring no interference.
27. Mr. Bachwat Ld. Sr. Advocate for the respondent nos.1 and 2 has relied upon the decision of the Hon'ble Supreme Court of India in the case of ***H. Anjanappa & Ors vs. A. Prabhakar & Ors.*** reported in ***2025 SCC Online SC 183*** to submit that since the applications for intervention were rejected by the writ court, an application for leave to appeal was required to be filed. He refers to paragraph 25 onwards of the judgment wherein the Apex Court has considered the law governing the grant of leave to appeal. Mr. Bachwat has laid emphasis on the judgment to submit that "*person aggrieved*" does not include a person who suffers from a psychological or an imaginary injury, such as the present applicants. Such submission is advanced with reference to the final order dated 09.04.2025 in W.P.A. No. 6088 of 2025.
28. Such submissions were refuted by the learned senior advocate Mr. Thakkar who submits that the Apex court has summarised the principles governing grant of leave to appeal by strangers to the decree or order under appeal. The judgment has no application to the present case. Therefore, Mr. Bachwat's submission is not sustainable.

29. We considered the submissions. We find that the learned Single Judge in the impugned order held that the applicants could not make out a case for intervention. The prayer for recall of the order could be considered only if the applicant's intervention were allowed. In the instant case the intervention was not allowed, therefore there was no scope for the Hon'ble Single judge to go into the merits of the matter concerning the prayer for recall of the order. Under the circumstances, we made it clear to the learned advocates representing the parties that this court will confine its consideration to the issue of intervention which was decided by the learned Single Judge Bench.
30. We find that the impugned order in the present appeal was passed on an applications filed in the writ proceeding by the present appellants. The Co-ordinate Bench by judgment dated 05.01.2026 passed in M.A.T. No. 989 of 2025 and analogous cases had also directed for disposal of the applications. Such direction was also affirmed by the Hon'ble Apex Court by its order dated 11.05.2026 passed in SLP (C) No(s).10604 of 2026 and analogous cases.
31. The present appellants were the applicants before the writ court and parties to the order dated 23.07.2026. They were not strangers to the order dated 23.07.2026. The impugned order dated 23.07.2026 is passed by the Hon'ble Single Judge on the present appellant's application (CAN 2 of 2025). The judgment in the case of **H. Anjanappa & Ors.** (*supra*) relied upon, lays down the law governing

the grant of leave to appeal, which declaration is binding on this Court.

32. In the present case it cannot be said that the appellants were not a party to the order dated 23.07.2026 passed by the learned Single Judge, impugned in the present appeal. We, therefore, find no force in the submission advanced by Mr. Bachwat regarding the petitioner's appeal being circumscribed by a requirement of filing an application for leave to appeal. Therefore, considering the law laid down by the Apex Court in the case of **H. Anjanappa & Ors** (supra) we do not find force in a submission that the appellants were required to file an application seeking leave to challenge the order passed on their application.

33. The above noted submissions advanced by the learned Sr. Counsels, for the appellants in substance raised mere apprehensions. No tangible right was demonstrated to show that the applicants were proper and necessary parties. The plea regarding various disputes in the background of the present application, also would not justify filing of an application for intervention in a disposed of writ proceeding, much less for recall of the final order dated 09.04.2025 passed in the writ petition.

34. Another issue regarding maintainability of an application for intervention, also arises, since the application for intervention was taken out in a disposed of writ proceeding when the court was no longer in *seisin* of the matter. In this connection we refer to decision of

the Hon'ble Supreme Court of India in the case of **Orissa Administrative Tribunal Bar Assn. v. Union of India**, reported in **(2023) 18 SCC 1**. Paragraph 109 of the judgment reads:

“109. The doctrine of functus officio exists to provide a clear point where the adjudicative process ends and to bring quietus to the dispute. Without it, decision-making bodies such as courts could endlessly revisit their decisions. With a definitive endpoint to a case before a court or quasi-judicial authority, parties are free to seek judicial review or to prefer an appeal. Alternatively, their rights are determined with finality. Similar considerations do not apply to decisions by the State which are based entirely on policy or expediency.”

35. Having regard to our above consideration and judgement of the Hon'ble Supreme Court of India in **Orissa Administrative Tribunal Bar Assn.**, (Supra) we find no scope for the appellant to file an application seeking intervention in a disposed of writ petition. We, therefore, find no reason to interfere with the impugned order dated 23.07.2026 rejecting the applications for intervention.

36. Before parting with the order, we would observe that if the applicant is able to show that the order dated 09.04.2025 caused any prejudice to him or that the same affects any subsisting right of appellant, he may avail other remedies against the final order passed in the writ proceeding, but in appropriate proceeding before an appropriate forum, in accordance with law. Since our above consideration is limited for disposal of the present appeal against orders passed on the intervention application, the same shall not

stand in the way of the petitioner in an appropriate proceeding, in accordance with law.

37. The appeals and pending applications are dismissed.
38. Urgent certified copy of the judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

I agree

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)