

OFFICE OF THE ADJUDICATING OFFICER,
GOVERNMENT OF GUJARAT,
SCIENCE & TECHNOLOGY DEPARTMENT,
Block No: 7, 5th Floor, Sardar Patel Bhavan, Sachivalaya, Gandhinagar.

Special Civil Complaint No: 02/2021

Date of Decision: 30/09/2022

IN THE MATTER OF:

To,

M/s KB Ispat Private Limited

Through Hemantbhai Rasiklal Vora

Plot No-93/A, Tirupati House, Nr. Gita Chowk, Krishnanagar

Bhavnagar-364001, Gujarat

Vs

1. **Mr. Aroon Kumar s/o Jayveer Singh**

H 622 T Huts, Block No-A, Sanjay Camp, Chanakyapuri,
New Dehi-110021

2. **The Branch Manager**

Canara Bank, Diplomatic Enclave Branch,
18/48, MalchaMarg, Chanakyapuri, **New Delhi-110021**

3. **The Branch Manager, Canara Bank, Diplomatic Enclave Branch**

Through Advocate Mr. Ankit V Mekvan

B-1702, B-1605, The Capital, Opp. Hetarth Party Plot, Science City Road,
Ahmedabad-380060



MR. Vijay Nehra
ADJUDICATING OFFICER UNDER
INFORMATION TECHNOLOGY ACT, 2000

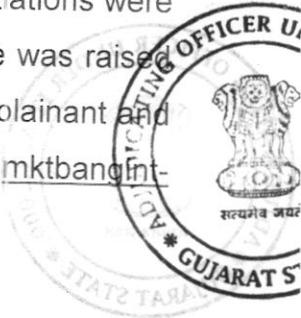
1. This matter has been filed by the petitioner under Section 43 and 43-A of the Information Technology Act, 2000.
2. The brief of the case as mentioned by the petitioner is as follows:

- a) The cause of action has arisen, when the complainant started negotiation with Bengaluru based electrical goods manufacturing company names M/s Integrated Electric Co. Pvt Limited for purchase of electrical goods, when both parties had started correspondences through their official email addresses, further on the date when Mr. Aroon Kumar had illegally



and mala-fidely hacked the email id of vendor, i.e. M/s Integrated Electric Co. Private Limited and further on the day when illegally Mr. Aroon Kumar suggested his bank details for payment of money against purchase, from M/s Integrated Electric Co. Private Limited and further on the date when complainant bona-fidely deposited Rs 15,00,000/- vide RTGS no SBINR1201900500056631 in the bank account of Mr. Aroon Kumar which is registered email id of M/s Integrated Electric Co. Private Limited and has further arisen on the day when complainant came to know about the hacking of their and vendor's email address and further about the fraud committed by Mr. Aroon Kumar, and further got complainant's Rs. 15,00,000/- into their account no 0157101031904 and further on the day complainant requested the bank to return their amount and further when bank refused for one and another reason and again when complainant issued a notice to Respondent no 2 on 07/11/2020 and further on the date when bank gave their reply and refused to make the payment has arisen and is still continuous.

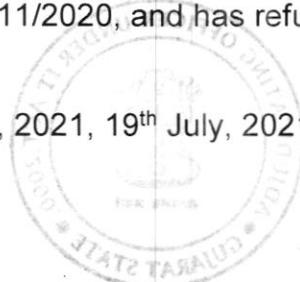
- b) Complainant is a company incorporated under the provisions of Companies Act, 1956, engaged in the business of manufacturing of MR Bilets and other steel products.
- c) The complainant wanted to purchase some electrical material and equipments from Bengaluru based vendor M/s Integrated Electronic Co. Private Limited, and hence there were some electronic correspondences taking place between the said two companies.
- d) During the course of these correspondences an order was confirmed by the complainant and subsequently a proforma invoice was raised by the vendor. But due to some ongoing negotiations between the parties the order was not finalized.
- e) Meanwhile, Respondent no 1 Mr. Aroon Kumar of Delhi, had hacked the email account of both the parties. After a few weeks the negotiations were over and the deal was finalized, and again a proforma invoice was raised by the vendor. This time Mr. Aroon Kumar by hacking of complainant and their vendor's email id, i.e. kbispat@rediffmail.com and mktbangint-elec@iname.com intercepted the message intended for the



complainant, edited the proforma invoice attached to the email, put his own bank account details and sent the modified proforma invoice to the complainant while posing as the vendor.

- f) Soon thereafter, the vendor had started inquiring for the advance payment in pursuance of the given proforma invoice, hence, relying upon the invoice received by them complainant had initiated process for transfer of funds. Bona fidely, the complainant transferred Rs 15,00,000/- to their intended seller M/s Integrated Electronic Co. Private Limited by RTGS vide no SBINR12019100500056631, dated 05/10/2019 through their SBI, Diwanpara Branch, Bhavanagar, received by the respondent herein as the account hosting branch as per the fraudulently suggested details, i.e. a/c no 0157101031904 in Canara Bank, Diplomatic Enclave Branch, New Delhi.
- g) Complainant had immediately contacted respondent branch through their bank-branch to stop the transaction, but to no avail; infact respondent continued processing the transaction in clear contravention of inter-bank request, as was sent by SBI, Diwanpara Branch. Once the process was finished, again the respondent was instructed by SBI to reverse the transaction, but respondent had chose to ignore all such instructions. Later, Complainant himself had filed requests for refund of wrongfully received funds, at that time respondent had informed that, the account was being held by this hacker who has committed many such frauds, hence his account is debit freezed, only credit transaction can be concluded.
- h) This itself shows mala-fides of the respondent, who has knowingly facilitated his customer to commit fraud and receive funds.
- i) In light of the facts, after so many requests and reminders complainant had served a legal notice upon the Respondent to return the said amount of Rs 15,00,000/- on 07/11/2020. The respondent bank has replied to the said legal notice on dt. 18/11/2020, and has refused to comply.

The matter was heard on 30th March, 2021, 19th July, 2021 and 05th October, 2021.



4. In hearing held on 05th October, 2021, the Petitioner made a request to release the funds lying with the Canara Bank. Therefore, in the interest of justice and to ensure that the petitioner can use his own money, vide interim order dated 21-10-2021, the Respondent Canara Bank was directed to return the petitioner's amount as per the below:

Sr. No.	Bank Name	Account	Branch Name	Amount to be released to the Petitioner's Account
1.	Canara Bank	0157101031904	Diplomatic Enclave Branch, 18/48, MalchaMarg, Chanakyapuri, New Delhi	Rs 15,00,000 /-

5. On 21st December, 2021, Canara bank had submitted the application wherein Bank has informed that "the bank has duly complied with the order dated 21-10-2021 and the petitioner has also withdrawn the said amount from his account on 15-11-2021 and requested the respondent no 2 bank may be deleted as a party from the present proceedings".

Accordingly, the following orders:

ORDER

On 20th September, 2022, Petitioner has informed that "submissions of the parties have been heard extensively, and there remains no further submissions to be made. I have no objection if case is taken up for final disposal" and they don't want to pursue the matter further.

2. In view of above, the present matter stands disposed of, accordingly.



(Vijay Nehra)

Adjudicating Officer & Secretary,
Department of Science and Technology,
Government of Gujarat