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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010023542024

+ **W.P.(C) 1128/2024 & C.M. APPL. 63419/2026**

M/S MK WHOLESALE

....Petitioner

Through: Mr. Ujwal Ghai, Adv.

versus

ICICI BANK LTD. & ORS

.....Respondents

Through: Mr. Sumit Goel, Ms. Swati Bhardwaj,
Mr. Siddharth Samaiya, Adv. for R1

Mr. Santosh Kumar Rout Standing Counsel, R2

Ms. Avshreya Pratap Singh Rudy, Adv. CGSC,

Ms. Usha Jamnal, Adv. GP., Ms. Nyasa Sharma,

Adv., Mr. Siddhant Nagar, Adv., Mr. Abhinav

Mall, Adv., Mr. Nishtha Dhall, Adv for UOI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

17.09.2026

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CM APPL. 63419/2026

1. This is an application filed under Section 151 of the CPC, 1908 seeking early hearing of the main petition.
2. For the reasons stated in the application, issue notice.
3. Mr. Goel, learned counsel, Mr. Rout, learned standing counsel, and Ms. Rudy, learned CGSC, accept notice on behalf of the respondent Nos. 1, 2 and 3, respectively and have no objection to the application on being



allowed.

4. Nobody has been appearing on behalf of the respondent No. 4 since 18.07.2024.

5. Therefore, the application is allowed and the matter is taken up for hearing.

W.P.(C) 1128/2024

6. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayer:-

“(a) Allow the present petition and issue a writ/order/direction in the nature of mandamus or any other writ, directing/commanding/requiring the Respondent No. 1 ICICI Bank Ltd. to initiate refund/reversal of transaction dated 23.11.2023 bearing UTR no. IDIBR52023112336321946 amounting Rs. 3,89,981/- (Rupees Three Lacs Eighty Nine Thousand Nine Hundred Eighty One Only) to the Petitioner M/s MK Wholesale. ...”

7. The brief facts of the case are that the petitioner inadvertently transferred Rs. 3,89,981/- to respondent No. 4 i.e., M/s V.K. Traders, instead of transferring the same to M/s V.K. Enterprises.

8. The petitioner then immediately informed respondent No. 4 and requested for reversal of the said amount.

9. The petitioner further informed its bank, i.e., respondent No. 2 which further informed respondent No. 1 regarding the said transaction and requested to reverse the above mentioned amount.

10. Since the transaction was not reversed, therefore the present petition has been filed.



11. Mr. Ghai, learned counsel for the petitioner, states that it is a case of *bona fide* mistake and the amount was meant to be transferred to M/s V.K. Enterprises but was wrongly transferred to M/s V.K. Traders/respondent No. 4.

12. On the other hand, Mr. Goel, learned counsel for the respondent No. 1, states that on the query of respondent No. 1, respondent No. 4 had informed that the amount was correctly paid to respondent No. 4 itself.

13. On 18.07.2024, M/s V.K. Traders/ respondent No. 4 was granted an opportunity to file the documents to substantiate that the amount was correctly paid to M/s V.K. Traders. Despite more than 2 years neither any document has been filed by respondent No. 4 nor is anybody appearing on behalf of it.

14. Additionally, my attention has been drawn to Annexure-F which is an indemnity bond dated 24.11.2023, issued by the petitioner's banker i.e., respondent No. 2, in favour of the respondent No. 1 undertaking to indemnify respondent No. 1 against any liability, loss or damage which respondent No. 1 may sustain due to reversal of the above payment. The said indemnity bond shows the genuineness of the claim of the petitioner as well as the support of respondent No. 2.

15. For the said reasons, I am of the view that the petition needs to be allowed and respondent No. 1 is directed to reverse the transaction dated 23.11.2023 bearing UTR No. IDIBR52023112336321946, amounting to Rs. 3,89,981/-.

16. The respondent No. 2 and the petitioner shall be bound by the undertaking that in case the amount is wrongly reversed, the petitioner and respondent No. 2 shall bear the consequences.



17. Learned counsel for the petitioner presses for interest, however, I am not inclined to do so since there was no fault attributable to any of the respondents and it was an inadvertent mistake on part of the petitioner.

18. The petition is disposed of in the aforesaid terms along with pending applications, if any.

SEPTEMBER 17, 2026/AS

JASMEET SINGH, J