

Court No. - 40

Case :- WRIT - C No. - 12074 of 2023

Petitioner :- Ajay Vijn

Respondent :- Indian Banks Association And Another

Counsel for Petitioner :- Ramesh Pundir, Rekha Pundir

Counsel for Respondent :- Arvind Srivastava, Arvind Srivastava

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Rahul Shripat, learned Senior Advocate assisted by Shri Ramesh Pundir, learned counsel for the petitioner and Shri Arvind Srivastava, learned counsel for the contesting respondents.

2. The petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of certiorari to quash the caution list dated 05.02.2020 so far as it relates to the petitioner finds place at serial no. 781.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent no. 1 not to circulate the caution list by advising the banks and financial institutions with whom the petitioner has been empanelled as a panel advocate to blacklist and notify the petitioner's name in the caution list of respondent no.1, IBA."

3. Sri Arvind Srivastava, learned counsel for the contesting respondents has vehemently opposed the writ petition on the ground that the principal relief is being prayed for quashing the Caution List of Third Party Entities maintained on the website of Indian Banks' Association dated 05.02.2020, so far as it relates to the petitioner at serial no.781 and in view of the law laid down by the Division Bench of Bombay High Court in **Writ Petition No. 2796 of 2005 (Kishor S. Bhat v. Indian Banks' Association)**, the writ petition is not maintainable. He further submits that even the relief, which is being prayed through an amendment application, is also unsustainable and the same is also hit by delay and laches. Moreover, the entire relief is sought against the Indian Banks' Association, which does not fall under Article 12 of Constitution of India.

4. Considering the facts and circumstances, we are not inclined to entertain the writ petition under Article 226 of the Constitution of India.

5. The writ petition is devoid of merit and is **dismissed**, accordingly.

Order Date :- 20.11.2023

Rama Kant