

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 602 of 2015**

1. Alok Ispat Pvt. Ltd. Through Its Director, Sandeep Chakraborty, Address Plot No. 134 Sector D J.S.P.L. Industrial Park, Village Punjipathra (Tumdih), Tehsil Gharghora, District Raigarh Chhattisgarh
2. Sandeep Chakraborty, Director Of Alok Ispat Pvt. Ltd. S/o Anand Mohan Chakraborty, Aged About 39 Years R/o 19, Civil Township, Rourkela, Sundargarh, Orissa

---- Appellants

Versus

1. Reserve Bank Of India Department Of Banking Regulations 13th Floor, Central Office Building, S. Bhagat, Singh Marg, Mumbai 400001
2. Punjab National Bank, Through Chief Manager, Address : Ananthalay Marg, Raigarh Chhattisgarh
3. Punjab National Bank, Through Asst. General Manager, Address : Ananthalay Marg, Raigarh Chhattisgarh
4. Committee On Wilful Defaulters, Headed By Executive Director, Punjab National Bank, Ananthalay Marg, Raigarh Chhattisgarh

---- Respondents

And**Writ Appeal No. 603 of 2015**

Scania Metaalicks Ltd. Through Shri Sanjay Gadodia, Aged About 50 Years S/o Shri Sawarmaal Gadodia, R/o Q 1, Civil Township, Rourkela, District Sundergarh, Odisha 796004

---- Appellant

Versus

1. Reserve Bank Of India Department Of Banking Regulations, 13th Floor, Central Office Building, S. Bhagat, Singh Marg Mumbai 400001
2. Punjab National Bank Through Chief Manager, Anathalay Marg, Raigarh. (Chhattisgarh)
3. Assistant General Manager, Punjab National Bank, Anathalay Marg, Raigarh. (Chhattisgarh)
4. Committee On Willful Defaulters, Punjab National Bank, Anathalay Marg, Raigarh. (Chhattisgarh)

---- Respondents

And**Writ Appeal No. 606 Of 2015**

1. Shri Sanjay Gadodia S/o Shri Sawarmaal Gadodia, Aged About 50 Years R/o Q 1, Civil Township, Rourkela, District Sundergarh, Odisha

796004

2. Smt. Sarita Gadodia, W/o Shri Sanjay Gadodia, Aged About 49 Years
R/o R/o Q -1, Civil Township, Rourkela, District Sundergarh, Odisha
796004
3. Shri Utkarsh Gadodia, S/o Shri Sanjay Gadodia, Aged About 28 Years
R/o Q -1, Civil Township, Rourkela, District Sundergarh, Odisha
796004

---- Appellants**Vs**

1. Reserve Bank Of India Department Of Banking Regulations 13th Floor,
Central Office Building, S. Bhagat, Singh Marg, Mumbai 400001
2. Punjab National Bank, Through Cheif Manager, Anathalay Marg,
Raigarh,
3. Assistant General Manager, Punjab National Bank, Anathalay Marg,
Raigarh, Chhattisgarh
4. Committee On Willful Defaulters, Punjab National Bank, Anathalay
Marg, Raigarh, Chhattisgarh

---- Respondents

Appellants:	Shri Amit Sahni, Advocate.
Respondents/Punjab National Bank:	Shri Sachin Singh Rajput, Advocte.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per Navin Sinha, Chief Justice

17/12/2015

1. The present appeals arise from a common order dated 27.10.2015 though passed separately in each of the Writ Petitions. The Writ Petitions have been dismissed with liberty to the Appellants for representing before the Grievance Redressal Committee.

2. Learned Counsel for the Appellants submits that unless and until they are informed of the grounds on which the Bank has declared them as willful defaulters, even the opportunity of a post facto hearing as observed by the Learned Single Judge will be an exercise in futility.

3. Learned Counsel for the Bank submits that the Appellants wrote to the Bank on 28.9.2015 and rushed to the Court as early as 12.10.2015.
4. The Appellant in Writ Appeal No.602/2015 is the borrower and the Appellants in the other two are guarantors.
5. We find no error in the order to the extent that the Learned Single Judge has declined interference on principle of post decisional hearing. The communication from the Bank that the Appellants may represent on the issue of willful default before the Grievance Redressal Committee is ample evidence of fairness on their part in having an open mind willing to consider objections.
6. But we find some substance in the submission on behalf of the Appellants that unless they are communicated the reasons on which the Bank has classified them as willful defaulters, the post decisional hearing may prove to be an exercise in futility. It is therefore expected that the Bank will respond to the request of the Appellants dated 28.9.2015 to facilitate availing the remedy by them before the Grievance Redressal Committee.
7. Needless to state that such representation before the Grievance Committee must be furnished within 15 days from the date that the Bank provides necessary communication to any one of the Appellants.
8. With the aforesaid clarification, the appeals are dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE