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

+ LPA 418/2015

SUBRATA BHAUMIK

..... Appellant

Represented by: Ms.Pratiti Rungta, Advocate with
Mr.Abhinav Raghuvanshi, Advocate

versus

RESERVE BANK OF INDIA
SEVICES BOARD

..... Respondent

Represented by: Mr.K.S.Parihar, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **22.01.2016**

CM No.1903/2016

Allowed subject to just exceptions.

CM No.1902/2016

For the reasons stated in the application delay of 36 days in filing the review petition is condoned.

R.P.No.20/2016

1. Except for showing and loose and laconic pleadings concerning the moderation effected by the Reserve Bank of India, learned counsel for the appellant is unable to take appellant's case any further.
2. The reason is obvious. Learned counsel for the appellant concedes, and so does the appellant who is present in Court in person, that when the writ petition was filed by the appellant he had no clue as to what was the

moderation policy. He only knew that there was a moderation policy. Learned counsel for the appellant further concedes that the nitty gritty of the moderation policy came to the knowledge of the appellant when pursuant to the directions issued by the learned Single Judge the same were disclosed by the respondent.

3. If that be so we are constrained to dismiss the review petition for the reason we find no error in the order dated November 02, 2015 in which we have written as to what was the moderation policy as also that the appellant has an arguable case with respect to the interpretation of the policy of moderation but found a handicap because there were no pleading qua the policy in the writ petition and RBI had no opportunity to defend its policy.

4. As recorded in the order dated November 02, 2015, we have once again given an opportunity to the appellant to agree to the impugned order dismissing his writ petition being set aside and simultaneously writ petition permitted to be withdrawn with liberty granted to file a fresh writ petition for the same prayer but with adequate pleadings laying a challenge to the policy of moderation.

5. Learned counsel for the writ petitioner under instructions from the writ petitioner says that this course of action is not acceptable to the petitioner.

6. The review petition is accordingly dismissed.

7. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 22, 2016

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