

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 705 of 2016

1. Alok Ispat Pvt. Ltd. Through Its Director, Sandeep Chakraborty, Address: Plot No. 134, Sector D, J S P L Industrial Park, Vill Punjipathra (Tumdih), Tehsil Gharghora, Distt Raigarh (Chhattisgarh)
2. Sandeep Chakraborty, Director Of Alok Ispat Pvt. Ltd. S/o Anand Mohan Chakraborty, Aged Around 42 Years, R/o Qr. No. F/ 83, Sector- 15, Rourkela, Orissa
3. Shri Utkarsh Gadodia, S/o Shri Sanjay Gadodia, Aged About 28 Years R/o Q 1, Civil Township, Rourkela, Distt. Sundergarh, Odisha, 796004
4. Shri Sanjay Gadodia, S/o Shri Sawarmaal Gadodia, Aged About 50 Years R/o Q 1, Civil Township, Rourkela, Distt. Sundergarh, Odisha, 796004
5. Smt. Sarita Gadodia, W/o Shri Sanjay Gadodia, Aged About 49 Years R/o Q 1, Civil Township, Rourkela, Distt. Sundergarh, Odisha, 796004
6. Scania Metaalicks Ltd., Through Shri Sanjay, S/o Shri Sawarmaal Gadodia, R/o Q 1, Civil Township, Rourkela, Distt. Sundergarh, Orissa, 796004

---- Petitioners

Versus

1. Reserve Bank Of India Department Of Banking Regulations, Central Office, 13th Floor, Central Office Building, S. Bhagat Singh Marg, Mumbai 400001 (Maharashtra)
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 Willful Defaulters Headed By Executive Director, Punjab National Bank, Ananthalay Marg, Raigarh, (Chhattisgarh)

---- Respondents

Shri Amit Sahni, counsel for the appellant/s.

Shri Sachin Singh Rajput, counsel for respondents 2, 3 and 4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/03/2016

This petition has been filed by the petitioner aggrieved by notice dated 02/03/2016 (Annexure P/7).

2. Submission of learned counsel for the petitioner is that even though the Division Bench of this Court directed respondents to supply reasons on which the Bank classified the petitioners as Willful Defaulters, the respondents, without communicating the reasons, have proceeded to issue notice requiring him to appear before the Grievance Redressal Committee / Revenue Committee.

3. Learned counsel for the appearing for the respondent / bank submits that the authorities are proceeding in accordance with the order of the Court and the petitioner has been directed to appear before the Committee on Willful Defaulters on 22/03/2016 for personal hearing which is only on compliance of the order of the Court.

4. The Division Bench vide its order dated 17/02/2015 held -

“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 28.09.2015 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.”

5. All that was required by the respondents was to communicate to the petitioner the reasons on which the bank classified them as willful defaulters.

6. The proceedings which were already conducted and order passed by the Committee on Willful Defaulters, have not been set aside by this Court so as to warrant fresh hearing in the matter.

7. The Committee which earlier took decision to classify the petitioner as Willful Defaulter is only required to communicate the reasons so that the petitioner may have a meaningful post decisional hearing before the Committee under Clause 3 (c) of Master Circular on 'Willful Defaulters'.

8. There will be no requirement of further hearing in the matter pursuant to impugned notice.

9. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge