

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No. 21223 of 2016

Date of Decision: 7.10.2016

M/s Moser Baer Solar Limited through Virvijay Singh Pundir, Senior Officer
Legal

.....Petitioners

Vs.

State Bank of Patiala

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ashwani Chopra, Sr. Advocate with
Mr. Manish Jain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, the petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned senior counsel for the petitioner, at the very outset, fairly states that when show cause notice dated 9.9.2016 (Annexure P-5) was issued, petitioner submitted its reply dated 30.9.2016 (Annexure P-6), making a reasonable prayer to the respondent-Bank to supply the relevant documents to the petitioner, to enable it to supplement its abovesaid reply dated 30.9.2016 (Annexure P-6). However, no action on the reply dated 30.9.2016 furnished by the petitioner has been taken so far, because of which the petitioner is having a bonafide apprehension that respondent-Bank may not take any adverse action against the petitioner without granting due opportunity of being heard.

Amit Kumar
2016.10.07 16:46
I attest to the accuracy and
integrity of this document

Having heard learned senior counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, instant writ petition is disposed of with a direction to the respondent-Bank to supply the relevant documents to the petitioner at an early date but in any case within a period of three weeks from the date of receipt of certified copy of this order, so as to enable the petitioner to furnish an effective and purposeful reply to the show cause notice dated 9.9.2016, within a period of three weeks from the date of receipt of relevant documents. Thereafter, competent authority of the respondent-Bank shall grant an opportunity of being heard to the petitioner, who shall be entitled to be represented through an Advocate as well, in view of the law laid down by a Division Bench of the Delhi High Court in ***Punjab National Bank and others Vs. Kingfisher Airlines Limited and others, (2016) 154 DRJ 164 (DB)*** and an appropriate order shall be passed at an early date, strictly in accordance with law, but in any case within a period of two months after receipt of reply from the petitioner. However, it is also made clear that till such a decision is taken by the competent authorities of the respondent-Bank, subsequent action pursuant to the show cause notice dated 9.9.2016, shall remain in abeyance.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

7.10.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No