

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-COM No.39 of 2016
Date of Decision:-21.12.2016

Ind Swift Limited and others

..... Petitioners

Vs.

State Bank of India and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Anand Chhibber, Sr. Advocate, with
Mr.Gaurav Mankotia, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the *show cause notice* dated 24.8.2016 (Annexure P-5) and letter dated 02.12.2016 (Annexure P-7) issued by respondent No.1. In the *show cause notice*, petitioners were asked to make their submissions in writing within 30 days. The petitioners made their representations on 23.9.2016. Thereafter, respondent No.1 has called the petitioners for a personal hearing vide letter dated 02.12.2016 but in the said letter the petitioners have been informed that they will not be allowed to represent through the Lawyers/Chartered Accountants/Consultants, who are not partners/Directors/Office/Employees of the Firm/Company, in substitution of their personal presence.

Learned counsel for the petitioners has submitted that in **LPA No.589 of 2014** titled as **“Punjab National Bank and others Vs. Kingfisher Airlines Limited and others”** decided by the Delhi High Court

on 17.12.2015, it has been held that “*we further hold that the borrowers or the Banks/FIs who are proposed to be classified/declared as willful defaulters and are given an opportunity of hearing before the GRC are entitled to be represented therein through advocates*”.

Learned counsel for the petitioners prays that the petitioners may be given liberty to appear before the Committee for the purpose of personal hearing along with their Advocate of their choice in view of the aforesaid decision.

After hearing learned counsel for the petitioners and keeping in view the facts and circumstances, the present petition is hereby disposed of with liberty to the petitioners to appear before the Willful Defaulters Identification Committee on 03.01.2017. The petitioners would also be at liberty to attend the hearing before the committee along with their Advocates. In case, any adverse order is passed by the Committee, the petitioners may be at liberty to challenge the same in accordance with law.

21.12.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No