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

W.P.(C) No.2699/2015 & CM No.11224/2015 (for stay).

ADARSH MALPANI

..... Petitioner

Through: Mr. Ravikesh Kr. Sinha and Mr.
Pulkit Srivastava, Advs.

versus

PUNJAB NATIONAL BANK & ORS.

..... Respondents

Through: Mr. Yashraj Singh Deora and Ms.
Shreya Agrawal, Advs. for PNB.

Mr. Akshay Makhija, CGSC for UOI.

Mr. K.S. Parihar and Mr. H.S.

Parihar, Advs. for RBI.

+ W.P.(C) No.2700/2015 & CM No.11225/2015 and CM No.4848/2015
(both for stay).

PUSPJEET YADUKA

..... Petitioner

Through: Mr. Ravikesh Kr. Sinha and Mr.
Pulkit Srivastava, Advs.

versus

PUNJAB NATIONAL BANK & ANR.

..... Respondents

Through: Mr. Yashraj Singh Deora and Ms.
Shreya Agrawal, Advs. for PNB.

Mr. K.S. Parihar and Mr. H.S.

Parihar, Advs. for RBI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.03.2016

1. The two petitions *inter alia* relate to appointment of the shareholder directors of the Punjab National Bank (Bank).

2. The petitioners in both the petitions claim to be shareholders; however it is not in dispute that the eligibility for appointment as a shareholder director is holding of at least 100 shares and the petitioner in W.P.(C) No.2699/2015 does not hold the minimum required shares.

3. It is *inter alia* the contention of the petitioners that the respondent Bank, Reserve Bank of India (RBI) and Union of India (UOI), in the matter of election of shareholder directors of the Bank are applying the Guidelines issued by UOI which are meant only for appointment of non- shareholder directors.

4. Though both petitions were entertained but no interim relief granted.

5. The counsel for the petitioners states that though at the time of filing of the petitions a meeting of the shareholders of the Bank was scheduled for 19th March, 2015 but was deferred and subsequently this Court was informed that the shareholder directors have been appointed.

6. It has in the circumstances been enquired from the counsel for the petitioners that the shareholder directors having already been appointed, what survives in these petitions.

7. The counsel for the petitioners states that since the appointments have been made during the pendency of these petitions and since the Bank while appointing the said directors have also disclosed the pendency of the present petitions, the appointments so made will be subject to the outcome of the present petitions.

8. Per contra the counsel for the Bank states that the appointment was disclosed on 11th December, 2015 and it was the stand of the counsel for the W.P.(C) No.2699/2015 & W.P.(C) No.2700/2015

petitioners that the petitioners do not need to implead the shareholder directors so appointed.

9. The grant of any relief to the petitioners in these petitions would tantamount to removal of the shareholder directors already appointed and a direction for fresh appointments to be made.

10. Such a relief cannot be granted as held by the Supreme Court recently in *Ranjan Kumar Vs. State of Bihar* (2014) 16 SCC 187 though in the context of service law.

11. The counsel for the petitioners then seeks adjournment to implead the directors so appointed.

12. The counsel for the Bank informs that though the petitioner in W.P.(C) No.2700/2015 had applied for being elected as a shareholder director in the meeting scheduled on 19th March, 2015 but subsequently when applications were invited on 31st March, 2015 and 12th May, 2015 the petitioner in W.P.(C) No.2700/2015 also did not apply and having not applied for being so elected cannot challenge the appointments so made.

13. Though the counsel for the petitioners admits that the petitioner in W.P.(C) No.2700/2015 did not so apply but states that he did not come to know of the said fact. It is further stated that since these petitions were pending, the respondents ought to have disclosed the same before the Court.

14. Suffice it is to observe that there is no order in these petitions making the appointments if any made subject to the outcome of the petitions or requiring the respondents to disclose the said facts.

15. In these circumstances, I am of the view that no purpose would be served in granting time to the petitioners to implead the directors so

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appointed inasmuch as owing to the subsequent events changes also will also have to be made to the petitions.

16. The petitions are thus dismissed with liberty to the petitioners to apply afresh but leaving all objections of the respondents to the maintainability of the petitions open, in the event of such a petition being filed.

No costs.

RAJIV SAHAI ENDLAW, J.

MARCH 22, 2016

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