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

+ W.P.(C) 6412/2016, CM Nos. 26263-26265/2016

RATUL PURI

..... Petitioner

Through

Mr. Rajiv Nayyar, Sr. Adv. with Mr. Rishi
Agarwala, Mr. Karan Luthra, Ms. Niyati Kohli
and Mr. Sachin Gupta, Advocates

versus

STATE BANK OF INDIA

..... Respondent

Through

Mr. Ankur Mittal and Mr. Abhay Gupta,
Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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28.07.2016

CM Nos. 26264-26265/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The applications are disposed of accordingly.

W.P.(C) 6412/2016 and CM No. 26263/2016 (Stay)

The present writ petition under Article 226 of the Constitution of India prays as follows:-

- “a. Pass a writ, order, direction in the nature of certiorari or any other writ, order or direction of like nature for setting aside/quashing the letter dated 30.05.2016 (received by the petitioner on 8.6.2016) of the respondent and permanents restrain the respondent from invoking the Master Circular on Wilful Defaulters dated 01.07.2015, or any modification thereof, against the petitioner in respect of any of the financial dealings/defaults of Moser Baer with the respondent; and
b. Pass any other such further orders which this Hon’ble Court deems fit in the interest of justice.”

W.P.(C) 6412/2016

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In the present case, it is observed that a show cause notice dated 30th May, 2016, impugned in the present writ petition, has been issued to the petitioner herein.

It is also an admitted position that the petitioner has since filed a reply to

the said impugned show cause notice dated 30th May, 2016.

In *W.P.(C) No. 5917/2016* titled *Moser Baer India Ltd. vs. State Bank of India & Anr.* decided on 13th July, 2016, this Court in paragraphs 7 and 8 thereof recorded as follows:-

“7. Mr. Mittal, learned counsel appearing on behalf of the official respondents unambiguously states that a) they are not averse to providing the petitioners with clear and legible copies of all the material/evidence, which forms the basis of the impugned Show Cause Notice; and b) that they shall issue a notice to the petitioners, affording the latter an opportunity of being heard, before taking a final decision, in accordance with law. Further, it is stated on behalf of the official respondents that the decision arrived at by the Competent Committee, after affording the petitioners an adequate opportunity of representing against the impugned Show Cause Notice, will be communicated to them as soon as possible, after the determination in relation to the impugned Show Cause Notice is arrived at, in accordance with law.

8. Directed accordingly.”

My attention has also been invited to paragraph 8 of the order dated 15th January, 2016 in *W.P.(C) 367/2016* titled *Ratul Puri vs. State Bank of Bikaner & Jaipur*, wherein this Court observed as follows:-

“8. The petition is disposed of relegating the petitioner to make a representation / objection against the proposal contained in the letter dated 31st December, 2015 and the hearing before The Identification Committee On Wilful

Defaulters but by directing that in the event of The Identification Committee On Wilful Defaulters rejecting the objections / representation of the petitioner and finding a case of recommending the inclusion of the name of the petitioner in the list of wilful defaulters, the said decision would be communicated to the petitioner and would not be made public and the recommendation will not be sent to the RBI / Credit Information Companies for a period of two weeks of so notifying the petitioner. It is further clarified that all contentions as contained herein shall remain open to the petitioner before The Identification Committee On Wilful

Defaulters as well as in the challenge if any to decision thereof.”

In view of the foregoing, the petition is disposed of at this stage with a direction to the State Bank of India to afford the petitioner an opportunity of being heard before taking a final decision in accordance with law.

Further, the decision arrived at by the competent authority as aforesaid, would be communicated to the petitioner expeditiously and the same would not be made public within a period of two weeks and no representation will be sent to RBI for a period of two weeks of so notifying the petitioner. With the above directions, the writ petition is disposed of.

Pending application also stands disposed of.

Dasti.

SIDDHARTH MRIDUL, J

JULY 28, 2016

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