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

+ **W.P.(C) 6707/2016 & CM 27474/2016**

DEEPAK PURI & ANR

..... Petitioners

Through: Ms Maneesha Dhir, Mr K.P.S.Kohli,
Mr Aseem Swaroop, Advocates.

versus

STATE BANK OF BIKANER & JAIPUR

..... Respondent

Through: Ms Kittu Bajaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

10.08.2016

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The present petition under Article 226 of the Constitution of India essentially prays for a direction to the State Bank of Bikaner & Jaipur, the respondent herein, to defer the personal hearing to be granted to the petitioners in terms of the RBI Guidelines before declaring them as wilful defaulters, by eight weeks.

On 01.08.2016 this court was pleased to pass the following order:-

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

- “a) Allow the present petition;
- b) Pass a Writ of certiorari or mandamus or a writ, order or direction in the nature of certiorari and / or mandamus and / or any other appropriate writ, directing the Respondent Bank to defer the personal hearing to be granted to the Petitioners in terms of the RBI Guidelines by at least 8 weeks to a future date to be decided mutually between the Petitioners and the Respondent Bank;

- c) Pass such other and further orders and/or directions as this Hon'ble Court may deem fit, just and proper."

Ms Bajaj, learned counsel appearing on behalf of the respondent/Bank, on advance notice, states that the present petition has been rendered infructuous in view of the circumstance that personal hearing afforded to the petitioner has already been concluded in his absence, since he chose not to remain present either himself or through an authorised representative at the hearing conducted today, i.e., 01.08.2016. Ms Bajaj prays for time to file an affidavit in this behalf.

Let the affidavit be filed within one week with an advance copy to counsel for the petitioners.

Renotify on 10.08.2016."

A perusal of the affidavit filed by the State Bank of Bikaner & Jaipur, in terms of the direction issued in the said order dated 01.08.2016, reveals that the concerned committee has not, in fact, concluded the hearing in the absence of the petitioners and has afforded them one more opportunity of being heard personally on 02.09.2016 at 11:00 AM.

Ms Manisha Dhir, learned counsel appearing on behalf of the petitioners, invites my attention to an order passed by a Division Bench of this Court dated 05.08.2016 passed in LPA No.435/2016, which directs as under:-

"Despite service of notice, there is no representation on behalf of the respondent Bank.

Re-notify on 10.08.2016.

The order, if any, passed in the meanwhile by the respondent Bank shall not be given effect to.

Dasti under the signatures of the Court Master."

Counsel appearing on behalf of the parties, in unison, states that in the said LPA No.435/2016, the Hon'ble Division Bench has now listed the said appeal for 24.08.2016.

However, it is an admitted position that the Hon'ble Division Bench has

not stayed the proceedings in the present writ petition before this court.

Ms Dhir, learned counsel appearing on behalf of the petitioners, informs me that the petitioner is currently in the United States of America undergoing surgery for Cancer of left buccal mucosa (cheek) at Memorial Sloan Kettering Cancer Center, New York (USA).

In view of the foregoing, since the personal hearing to be afforded to the petitioners is still to take place, in the interest of justice and on humanitarian ground, it is considered just, necessary and expedient to dispose of the present petition with a direction to the respondent/Bank to postpone the said personal hearing to be afforded to the petitioners beyond 02.09.2016 and on any day on or after 04.10.2016, under intimation to the petitioners.

With the above direction the writ petition is disposed of.

A copy of this order be given *dasti* under signature of Court Master to counsel for the petitioners.

SIDDHARTH MRIDUL, J

AUGUST 10, 2016

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