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

+ **W.P.(C) 8246/2016 and CM APPL. 34192/2016**

PRADEEP AGARWAL

..... Petitioner

Through: Mr. Pallav Saxena, Advocate

versus

STATE BANK OF INDIA AND ORS

..... Respondents

Through: Ms. Shailly Dinkar, Advocate with
Mr. Vipin Jai, Advocate for R-1 and R-3/Bank.
Mr. N.K. Thakur, Advocate for Mr. Samarendra
Kumar, Advocate for R-2/Bank.
Mr. K. Datta, Advocate with Mr. Rahul Malhotra
and Mr. Shantanu Parashar, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

04.10.2016

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1. The petitioner is aggrieved by the letter dated 08.08.2016 issued by the respondent No.1 as the lead bank of the consortium of banks, namely, respondents No.1 to 3. Vide letter dated 08.08.2016, the respondent No.1/Bank had called upon the petitioner to show cause and make submissions in writing within 30 days from the date of receipt of the said letter, as to why his name should not be included in the list of wilful defaulters, as per the RBI guidelines.

2. Counsel for the petitioner states that the aforesaid letter dated 08.08.2016, was received by the petitioner only on 18.08.2016. The period

of 30 days for filing a reply, if reckoned from 18.08.2016, would have expired on 17.09.2016. Instead of filing a reply in response to the impugned letter, the petitioner has rushed to this Court. This Court is *prima facie* of the opinion that the present petition is premature.

3. At this stage, counsel for the petitioner seeks leave to withdraw the present petition while reserving the right of the petitioner to file a reply to the letter dated 08.08.2016, and requests that the timeline may be extended for the said purpose.

4. Leave, as prayed for, is granted. The petition is dismissed as withdrawn alongwith the pending application. The petitioner shall file a reply to the letter dated 08.08.2016, within two weeks from today. The respondent No.1/Bank shall consider the said reply and take an informed decision thereafter, in accordance with law, under intimation to the petitioner.

5. If the petitioner is aggrieved by the decision that shall be taken by the respondent No.1/Bank, he shall be entitled to seek his remedies as may be available in law.

HIMA KOHLI, J

OCTOBER 04, 2016

rkb/ap