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

+ W.P.(C) 9123/2016 and CM APPL. 36936-37/2016

DEEPAK PURI & ANR

..... Petitioners

Through: Ms. Maneesha Dhir, Advocate with  
Mr. Apoorve Karol, Advocate

versus

STATE BANK OF BIKANER & JAIPUR

..... Respondent

Through: Ms. Kittu Bajaj, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**

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**03.10.2016**

1. The present petition has been filed by the petitioners praying *inter alia* for issuing directions to the respondent/State Bank of Bikaner and Jaipur to defer personal hearing granted to them in terms of the notice dated 24.08.2016.

2. This is the second round of litigation that the petitioners have initiated against the respondent/Bank. On an earlier occasion, the petitioners had filed W.P.(C)6707/2016, praying *inter alia* for issuing directions to the respondent/Bank to defer the personal hearing granted to them in terms of the RBI Guidelines, before declaring them as wilful defaulters, by eight weeks. The submission made on behalf of the petitioners was that the petitioner No.1 had to undergo a surgery for cancer of the left buccal mucosa (cheek) at Memorial Sloan Kettering Cancer Center, New York (USA), for which his wife, petitioner No.2 had accompanied him. In the given circumstances, a request was made for deferring the personal hearing.

Vide order dated 10.08.2016, the respondent/Bank was directed to postpone the 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.

3. Subsequently, the respondent/Bank had issued a notice dated 24.08.2016, informing the petitioners that they should present themselves before the Identification Committee on 04.10.2016, for being granted a hearing (Annexure P-14 colly). The petitioners had responded by writing a letter dated 28.09.2016, stating *inter alia* that the petitioner No.1 was in the process of recovery and rehabilitation for the postoperative cancer surgery and it would take him some time to resume his business duties. It was also explained that due to surgery of the mouth and jaw, petitioner No.1 was not in a position to have any conversation and therefore, a request was made for deferring the personal hearing by eight weeks.

4. Ms. Dhir, learned counsel for the petitioners draws the attention of the Court to the certificate dated 13.09.2016, issued by the Surgeon at the Memorial Sloan Kettering Cancer Center, recording *inter alia* that the petitioner No.1 had undergone extensive surgery of the mouth and jaw on 08.04.2016 and his postoperative recuperation period is expected to be of four months and that he was likely to return to work at full capacity by 01.01.2017. It is submitted on behalf of the petitioners that though the certificate issued by the Surgeon mentions 01.01.2017 as the date for the petitioner No.1 to be able to resume his business duties, the petitioners are only requesting for deferment of the hearing by the Identification committee constituted by the respondent/Bank, till the end of November, 2016.

5. Issue notice.

6. Ms. Bajaj, learned counsel for the respondent/Bank accepts notice and states that the petitioners have already been accommodated in terms of the order dated 10.08.2016 passed in the earlier writ petition filed by them and further deferment cannot be acceded to by the Bank as it is unnecessarily delaying the entire process. She further states that at least the petitioner No.2 can be directed to appear before the Identification Committee of the respondent/Bank on the date fixed, if not the petitioner No.1.

7. Counsel for the petitioner submits that the petitioner No.2, the wife of the petitioner No.1 is busy attending to her husband during the postoperative recuperation period due to several complications that have occurred on account of the surgery that he had to undergo. She assures the Court that the authorised representatives of the company in question, i.e., M/s Moser Baer India Ltd. has been regularly appearing before the Identification Committee and shall do so even tomorrow and deferment of the hearing is only sought on behalf of the petitioners No.1 and 2 on account of the critical health condition of the petitioner No.1.

8. Having regard to the submissions made by the counsel for the petitioners and keeping in mind the health condition of the petitioner No.1, as is apparent from a perusal of the certificate dated 13.09.2016, issued by the Surgeon, who had operated on the petitioner (Annexure P-16), it is deemed appropriate to direct the Identification Committee of the respondent/Bank to grant a personal hearing to the petitioners on any date after 30.11.2016.

9. It is made clear that no further accommodation shall be given to the petitioners for any reason. In the event, the petitioners or any one of them are not in a position to appear personally before the Identification

Committee, they shall appoint an authorised representative to appear on their behalf.

10. The petition is disposed of alongwith the pending applications.

**OCTOBER 03, 2016**

rkb/ap

**HIMA KOHLI, J**

