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

+ **W.P.(C) 9248/2016 and CM APPL. 37346-48/2016**

RATUL PURI

..... Petitioner

Through: Mr. Rajiv Nayar and Mr. Parag Tripathi,
Senior Advocates with Mr. Rishi Agrawala,
Ms. Niyati Kohli, Ms. Aayushi S. Khazanchi and
Mr. Saurabh Seth, Advocates

versus

STATE BANK OF PATIALA

..... Respondent

Through: Ms. Kittu Bajaj, Advocate and
Mr. Rajiv Kapur, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
05.10.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing/setting aside a communication dated 09.09.2016, issued by the respondent/Bank, calling upon him to show cause and make submissions in writing within 15 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. Mr. Nayar, learned Senior Advocate appearing for the petitioner submits that on the misconceived assumption of the respondent/Bank that the petitioner remains a Director of M/s Moser Baer India Ltd., a company that had been extended credit facilities, and the loan account of the said company had been classified as a Non-Performing Asset, the Identification

Committee of the Bank has started the process of identifying wilful defaulters and proposes to include the name of the petitioner therein. He submits that a reply to the aforesaid notice was submitted by the petitioner on 29.09.2016 (Annexure P-10), wherein the jurisdiction of the respondent/Bank to issue such a notice has been questioned on the ground that he has no connection with the company in question, neither being its Director or shareholder or promoter or guarantor at the time when the alleged default had taken place.

3. It is stated on behalf of the petitioner that even earlier hereto, he had to approach the Court against such an action taken by the respondent/Bank by filing W.P.(C)1243/2016, wherein an order dated 15.02.2016 was passed directing that the hearing, if any, scheduled before the Grievance Redressal Committee pursuant to the show cause notice not be held.

4. It has been enquired from learned counsel for the respondent, who appears on advance notice, as to whether any date of hearing has been fixed in the present case, to which the reply is in the negative. She submits that the reply of the petitioner has been received only recently and it has yet to be examined.

5. Having perused the notice to the show cause dated 09.09.2016 issued by the respondent/Bank and the reply dated 29.09.2016 submitted by the petitioner, it is deemed appropriate to direct the respondent/Bank to consider the aspect of jurisdiction questioned by the petitioner in the first instance. After taking a decision on the said aspect, the same shall be communicated by the competent authority to the petitioner, without the same being made public for a period of two weeks reckoned from the date of receipt of the

said notice by the petitioner, so as to afford reasonable time to him to seek his legal remedies if considered necessary, as per law.

6. The writ petition is disposed of alongwith the pending applications.
DASTI to the parties.

OCTOBER 05, 2016
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HIMA KOHLI, J

