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

\+ CS(OS) 3446/2015 & IA No.25679/2015

KARUN RAJ NARANG ..... Plaintiff
Through : Mr. Darpan Wadhwa, Advocate

versus

PUNJAB NATIONAL BANK & ANR ..... Defendants
Through : Mr. Hashmat Nabi, Advocate for D-1/Bank.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 11.01.2016

1. Pursuant to the order dated 5.1.2016, learned counsel enters appearance for the defendant No.1/Bank and submits that the present suit is pre-mature inasmuch as the defendant No.1/Bank has only issued a show cause notice dated 1.12.2015 to the plaintiff, to which he has recently responded. He submits that the said reply is still under consideration and further, the plaintiff shall be given a personal hearing before any orders are passed.

2. Mr. Wadhwa, learned counsel for the plaintiff disputes the submission made by the other side that the impugned document dated 1.12.2015 issued by the defendant No.1/Bank is a show cause notice. He submits that a perusal of the contents of the said notice would make it apparent that it is a demand notice.

3. In any case, the plaintiff has now filed a reply to the impugned notice. As per the plaintiff, the defendant No.1/Bank has not followed the procedure prescribed under the "Master Circular on Wilful Defaulters" circulated by the RBI, particularly clause 3 thereof.

4. Counsel for the defendant/Bank assures the Court that all the pleas taken by the plaintiff shall be considered and after a personal hearing is granted to him, appropriate orders shall be passed, which shall attain finality only after the Reviewing Committee of the Bank examines the same. The said procedure has yet to be undertaken.

5. In view of the submissions made hereinabove and with the consent of the parties, the present suit is disposed of with directions to the defendant No.1/Bank to fix a date and time for granting a personal hearing to the plaintiff and convey the same to him in writing. The plaintiff along with his authorized representative shall appear on the fixed date and time and make his submissions, whereafter the defendant No.1/Bank shall decide the representation of the plaintiff in response to the impugned notice dated 1.12.2015 in accordance with law, under written intimation to the plaintiff.

6. Needless to state that if the plaintiff is aggrieved by the order that may be passed by the defendant No.1/Bank, then he shall be entitled to seek his remedies in accordance with law.

7. Till a decision is taken by the defendant No.1/Bank, no coercive steps shall be taken against the plaintiff *qua* the impugned notice dated 1.12.2015.

8. The suit is disposed of, along with the pending application.

HIMA KOHLI, J

JANUARY 11, 2016
sk/rkb