

\$~Special Bench-1

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

+ W.P.(C) 1088/2017

M/S J.K. JEWELLERS AND ORS
Through: None

..... Petitioner

versus

CAPRI GLOBAL CAPITAL LIMITED Respondents
Through: Mr. Kirti Uppal, Senior Advocate with
Mr. K.S. Parihar and Mr. H.S. Parihar, Advocates
for the applicant/RBI in CM APPL. 11494/2017.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **21.07.2017**

**CM APPL. 11521/2017 (for condonation of delay of 11 days in filing
CM APPL. 11494/2017)**

1. For the reasons stated in the application, the delay of 11 days in filing CM APPL. 11494/2017 is condoned.
2. The application is disposed of.

**CM APPL. 11494/2017 (by the applicant/RBI for modification of the
order dated 08.02.2017)**

1. Mr. Uppal, learned Senior Advocate appearing for the applicant/RBI states that the main petition has already been disposed of. The only modification that the applicant/RBI seeks is with regard to the directions issued in the latter part of the order dated 08.02.2017 that pertain to RBI.

2. On 08.02.2017, Mr. Parihar, learned counsel for the RBI was called upon to inform the Court as to whether any steps have been taken by the RBI to direct all the NBFCs permitted by RBI by virtue of a Circular issued by RBI, to invoke Section 14 of the SARFAESI Act, to appoint nominated counsels in this Court for accepting advance copies of the petitions and for being available to assist the Court at the time of admission.

3. As counsel for the RBI had stated that he shall have to obtain instructions in that regard, he was directed to contact the concerned Department of the RBI and ensure that a Circular is circulated amongst all the NBFCs for them to appoint their respective nominated counsels in the High Court for receiving advance copies of writ petitions so that adequate assistance is available to the Court at the time of admission.

4. Mr. Uppal, learned Senior Advocate appearing for the applicant/RBI states that the present application is necessitated for the reason that the RBI is not empowered to issue directions to any NBFC to appoint nominated counsels for the Delhi High Court and any such direction can be treated as a transgression of the powers conferred on it under the Reserve Bank of India Act, 1934. He hastens to add that otherwise, RBI does not have any objection to this Court issuing any such directions to the NBFCs.

5. The underlying purpose of issuing directions to the RBI as mentioned in the order dated 08.02.2017, is to ensure that when a party files a petition in this Court for seeking interim orders/directions against any NBFC, the Court has adequate assistance from the other side. It was with the said intention that RBI was directed to issue a Circular calling upon all the

NBFCs to appoint nominated counsels in the High Court for them to receive advance copies of petitions and be ready with necessary instructions.

6. As some difficulties have been expressed in this regard by the RBI, it is deemed appropriate to direct RBI to issue a Circular within two weeks, asking all NBFCs empowered to invoke Section 14 of the SARFAESI Act to appoint nominated counsels in the High Court and convey their names to the Registry within four weeks from the date of receipt of the Circular so that henceforth, advance copies of petitions can be served directly on the said counsels and they are ready with instructions at the stage of admission itself.

7. The application is disposed of.

HIMA KOHLI, J

JULY 21, 2017

rkb