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

\+ W.P.(C) 11638/2016 and CM APPL. 45861/2016

SUMEET NARULA ..... Petitioner

Through: Mr. S. Chakraborty, Advocate

versus

INDIAN BANK & ORS ..... Respondents

Through: Mr. Virender Kumar, R-2/Branch Manager for self and on behalf of R-1 and R-3.
Mr. K.S. Parihar, Advocate with Mr. H.S. Parihar, Advocate for R-4/RBI.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% **17.01.2017**

1. Counsel for the petitioner states that during the pendency of the present petition, his client and the respondents No.1 to 3/Bank have arrived at a settlement, whereafter a letter dated 16.01.2017 has been addressed to him by the respondent No.2/Bank, intimating him that the amount subject matter of the cheque for a sum of Rs.3,92,700/-, has been credited in his account. The letter dated 16.01.2017 is handed over by the counsel for the petitioner and is taken on record.

2. On enquiring from the respondent No.2, Branch Manager of the respondent No.3/Bank as to the reason for not crediting the said amount in the current account maintained by the petitioner with Bank when it was deposited as long back as on 23.06.2016, he states that on the first occasion,

the said cheque was returned by the respondent No.4/RBI with an observation that the image was not clear. When the said cheque was re-presented, due to an inadvertence on the part of the staff of the Bank, the same was credited into someone else's account. This fact came to the notice of the respondent No.2/Bank only in October, 2016, when the petitioner approached it with a grievance.

3. This does not explain the inaction on the part of the respondents No.1 to 3/Bank for the months of November and December, 2016. By then, the petitioner had issued a legal notice dated 07.11.2016 to the respondent No.2/Bank, followed by a reminder dated 14.11.2016, but no response whatsoever was received from the Bank. As a result, the petitioner was compelled to approach this Court by filing the present petition.

4. Merely because the respondents No.1 to 3/Bank has by now credited the amount in question into the petitioner's account, and that too in eight instalments between 07.11.2016 to 16.01.2017, cannot be a ground to exonerate them insofar as costs of the present petition are concerned.

5. Accordingly, present petition is disposed of with costs of Rs.10,000/- imposed on the respondents No.1 to 3 collectively, to be paid to the petitioner within two weeks from today.

6. Coming to the observations made by this Court on the last date of hearing when it was noticed that none had appeared for the respondents No.1 to 3/Bank despite being served with an advance copy of the paper book, and the explanation offered by the counsel for the respondent No.4/RBI was that a circular had been issued to all nationalized banks, calling upon them to nominate their counsels for entering appearance on advance copy in fresh matters, but no such circular had been issued to the

private banks, it was deemed appropriate to direct the respondent No.4/RBI to ensure that a similar circular is issued to all the private banks so that adequate assistance is available to the Court on the very first date of hearing and where there is an urgency, appropriate orders can be passed right away.

7. Counsel for the respondent No.4/RBI assures the court that RBI is in the process of issuing such a circular to all the private banks as well. Compliances shall be made in this regard by the end of January, 2017. A copy of the said circular shall be placed on record on or before 15.02.2017. In the event, the said circular is not filed by the respondent No.4/RBI, within the stipulated time, the Registry shall place the matter back before this Court, for appropriate orders.

8. The petition is disposed of alongwith the pending application.

DASTI to the counsel for the respondent No.4/RBI.

HIMA KOHLI, J

JANUARY 17, 2017
rkb/ap