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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 82/2015 & I.As. 26240/2015 AND 13172/2016

M/S RADNIK EXPORTS & ORS. Plaintiffs
Through: Mr. S.B. Upadhayay, Senior Advocate
with Mr. Amitabh Krishan, Advocate.

versus

STANDARD CHARTERED BANK & ORS. Defendants
Through: Mr. Ajay Monga, Advocate with
Ms. Jagriti Ahuja and Mr Devmani
Bansal, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
25.05.2017

Present suit has been filed with the following prayers:-

- a) *A decree of declaration declaring the impugned action of the Defendant No.1 vide notice date 04.09.2015 regarding classification of the plaintiffs as wilful defaulter to be arbitrary, illegal, malafide, ultra vires and void.*
- b) *A decree of permanent injunction against the Defendant No.1 restraining it from classifying and submitting the names of plaintiffs as wilful defaulter by that or any other name, to the Reserve Bank of India, CIBIL and or any other credit information company operating in India or overseas.*
- c) *An order directing the Defendant No.1 to pay to the plaintiff the cost of the present proceedings.*
- d) *Such other and further relief/reliefs to which the plaintiff may be entitled in the facts and circumstances of the case is also prayed for.*

On 03rd May, 2017, my learned Predecessor had passed the following order:-

“The hearing of the case is adjourned at the request of Mr. S.L. Gupta, learned counsel appearing on behalf of the plaintiff, in order to enable him to examine the law before addressing submissions on the following issues:-

- (i) Whether the issuance of a show cause notice gives rise to a cause of action, so as to enable a party to maintain the present suit.*
- (ii) Whether this Court has territorial jurisdiction to entertain the present suit.*

Renotify on 25.05.2017”

Learned senior counsel for plaintiffs states that plaintiffs are unable to file a reply as a copy of a vital document is not being supplied by the defendants.

This Court points out to learned senior counsel for plaintiffs that the plaintiffs has approached this Court when the process of classifying the plaintiffs as a wilful defaulter is still not complete.

After some arguments, learned senior counsel for plaintiffs wishes to withdraw the present suit.

Consequently, present suit and pending applications are dismissed as withdrawn.

MANMOHAN, J

MAY 25, 2017

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