

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.4590 to 4593 of 2018

Sankaran & Krishnan

A firm of Chartered Accountants  
having their office at 1E, Marble Arch Apartments  
Mylapore, Chennai 600 004  
Represented by its Senior Partner  
S Chandran

.. Petitioner in all W.Ps.

Versus

1. Reserve Bank of India,  
Department of Banking Supervision,  
Central office, 16<sup>th</sup> Floor, Central Office Building  
Shahid Bhagat Singh Marg, Mumbai - 400 001  
Represented by its Executive Director  
And  
Having its Local Office at Fort Glacis,  
No.16, Rajaji Salai, Chennai - 600 001.
2. Union of India, Ministry of Finance,  
Department of Financial Services,  
3<sup>rd</sup> Floor, Jeevan Deep Building Sansad Marg,  
New Delhi - 110 001.  
Represented by its Secretary.
3. The Comptroller & Auditor General of India,  
Pocket-9, Deen Dayal Upadhyaya Marg,  
New Delhi - 110 124.
4. The Institute of Chartered Accountants of India,  
ICAI Bhawan, Indraprastha Marg,  
Post Box No.7100, New Delhi - 110 002,  
Represented by its President  
And Having its Southern Regional Council at 122,  
ICAI Bhawan, Mahatma Gandhi Road,  
Nungambakkam, Chennai, Tamil Nadu 600 034.

5. Indian Banks Association World Trade Centre,  
6<sup>th</sup> Floor Centre 1 Building,  
World Trade Centre Complex,  
Cuff Parade, Mumbai - 400 005  
Represented by its Secretary

... Respondents in all W.Ps.

PRAYER in W.P.No.4590 of 2018 : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the Respondents herein to frame a new Policy for appointment of SCAs to PSBs on the lines that it is being done for PSU's under the aegis, supervision and control of the third Respondent C&AG, which would ensure the independence and integrity of the SCAs and is in conformance with the concerned statutory enactments.

PRAYER in W.P.No.4591 of 2018 : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the Reserve Bank of India to adopt the procedure it had implemented prior to 2010-2011 in the appointment of SCAs for PSBs, without involving the PSBs or their management in anyway, for the year 2017-2018, and for all future and prospective financial years.

PRAYER in W.P.No.4592 of 2018 : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Declaration, directing that the RBI's new process of appointment notified by the RBI vide Letter of the Reserve Bank of India bearing reference Ref.DBS.ARS No./08.91.008/2014-15 dated 6<sup>th</sup> February 2015 and the Procedure notified thereof for 2017-2018 is unconstitutional, arbitrary and violative of the provisions of the Banking Regulation Act, 1949, State Bank of India Act 1955 and Banking Companies (Acquisition & Transfer of Undertaking) Act, 1970/1980 and undermining the independence and impartiality of the position of SCA contemplated under Chapter X of the Companies Act 2013.

PRAYER in W.P.No.4593 of 2018 : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the 1<sup>st</sup> respondent, to forthwith restrain the selected Statutory Central Auditors appointed for the year 2017-2018 in respect of the 21 PSBs under the above referred Process of Appointment, issued by the 1<sup>st</sup> respondent herein, from initiating or performing their duties as the same is illegal, arbitrary, and ultra vires the powers of the 1<sup>st</sup> respondent.

For Petitioner : Mr.P.Raj Kumar Jhabakh in all W.Ps.

For Respondent-1 : Mr.T.Poornam, in all W.Ps.

For Respondent-4 : Mr.P.R.Ranganath in all W.Ps

COMMON ORDER

Today, the Writ Petitions are listed under the caption "for withdrawal" based on the letter dated 02.11.2018 submitted by the learned counsel appearing for the petitioner. The learned counsel for the petitioner also sought permission of this Court to withdraw these writ petitions and he has also made an endorsement to that effect.

2. In view of the submission and endorsement made by the learned counsel for the petitioner, these writ petitions are dismissed as withdrawn. No costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Srn/av

To

1. The Executive Director  
Reserve Bank of India,  
Department of Banking Supervision,  
Central office, 16<sup>th</sup> Floor, Central Office Building  
Shahid Bhagat Singh Marg, Mumbai - 400 001  
And Having its Local Office at Fort Glacis,  
No.16, Rajaji Salai, Chennai - 600 001.
2. The Secretary,  
Union of India, Ministry of Finance,  
Department of Financial Services,  
3<sup>rd</sup> Floor, Jeevan Deep Building Sansad Marg,  
New Delhi - 110 001.

3. The Comptroller & Auditor General of India,  
Pocket-9, Deen Dayal Upadhyaya Marg,  
New Delhi - 110 124.

4. The President  
Institute of Chartered Accountants of India,  
ICAI Bhawan, Indraprastha Marg,  
Post Box No.7100, New Delhi - 110 002,  
And Having its Southern Regional Council at 122,  
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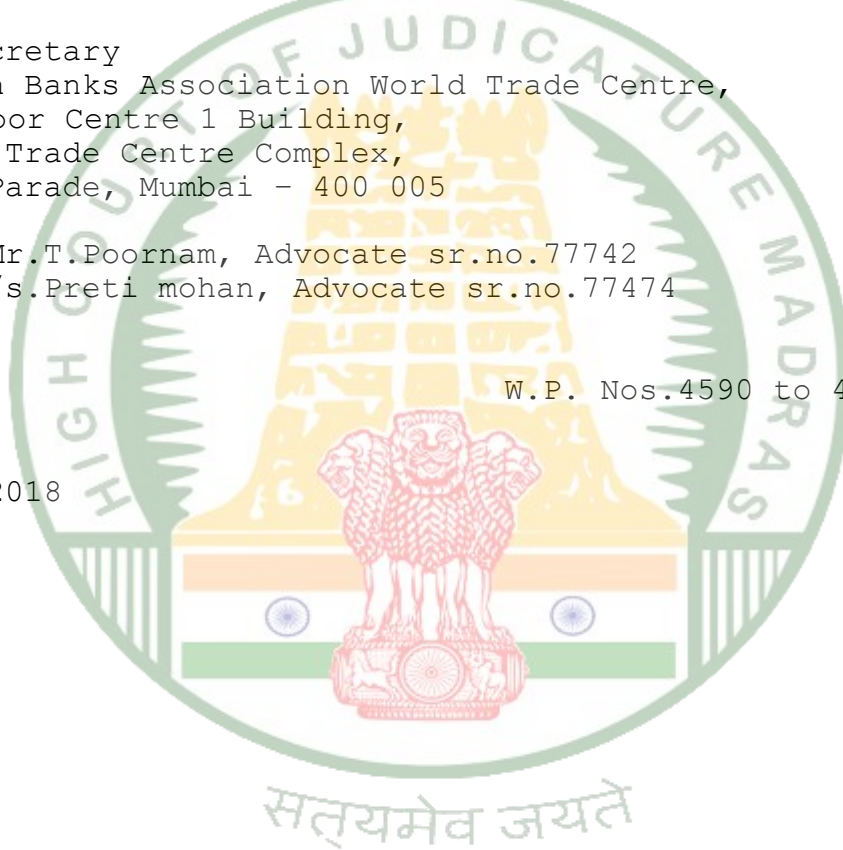
5. The Secretary  
Indian Banks Association World Trade Centre,  
6<sup>th</sup> Floor Centre 1 Building,  
World Trade Centre Complex,  
Cuff Parade, Mumbai - 400 005

+1cc to Mr.T.Poornam, Advocate sr.no.77742

+1cc to M/s.Preti mohan, Advocate sr.no.77474

W.P. Nos.4590 to 4593 of 2018

rv(co)  
nr 30/11/2018



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