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

\+ W.P.(C) 369/2018 & CM No.1559/2018 (stay)

AMIT SWAMI ..... Petitioner
Through Petitioner in person

versus

UNION OF INDIA AND ORS. ..... Respondents
Through Mr. P.S. Singh, Mr. Annu Singh and Mr. Rajpal Singh, Advs. for R-1
Mr. Sahil, Adv. for R-3

**CORAM:**
**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**
% **18.01.2018**

Notice in this petition was issued on 15th January, 2018. On return of notice Mr. Sahil, advocate has entered appearance on behalf of contesting party i.e. HDFC Bank Ltd/respondent no. 3. Respondent no.1 (i.e. Union of India) and respondent no.2 (i.e. Reserve Bank of India) are, according to the petitioner, proforma parties.

Mr. Sahil, advocate who appears for respondent no.3 says that since there was a violation of the master direction dated 25th February, 2016 issued by the Reserve Bank of India the petitioner's account was blocked. He further says that as per the aforementioned master direction issued by the Reserve Bank of India, periodic updation of the customers' account is carried out. It is further submitted that it is in this context that certain documents including fresh proof of identity and address are demanded by respondent no.3 from its customers at the time when periodic updation is to be carried out. Counsel for respondent no.3 says that since the petitioner fell in the category of "medium risk customer" his periodic updation was carried out in terms of clause 38 of the master direction referred to above.

It is further submitted that since relevant information was not given in the first instance 'partial freezing' was carried out followed by complete blocking of subject account.

On being queried, counsel for respondent no.3 says that the principal deficiency which was noticed by the petitioner was that he did not give proof of identity of his concern, namely, Amit Swami & Co.

It is not disputed before me that Amit Swami & Co. is a proprietorship concern. Concededly, the petitioner had given identity proofs in his individual name.

According to me, if a person is running a proprietorship concern he can only give identity proof of his individual self. Therefore, this objection taken by respondent no.3 is, in my view, is completely unsustainable.

Given this circumstance, counsel for respondent no.3 says that for the moment the said respondent would unblock petitioner's account and that if there are any other concerns they would be put to the petitioner in writing.

Counsel for the petitioner says that presently assurance given that the subject account will be unblocked would suffice.

Accordingly, the writ petition is disposed of with the direction to respondent no.3 to unblock the subject account. In case respondent no.3 has other concerns with regard to identity proof or any other matter which falls within the remit of the aforementioned master direction issued by the Reserve Bank of India the same would be put to the petitioner. The petitioner would be given at least two weeks' time to respond to the same before any precipitate direction is issued qua the subject account.

Consequently, pending miscellaneous application is also disposed of.

Dasti.

**RAJIV SHAKDHER, J**

**JANUARY 18, 2018**
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