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

+ W.P.(C) 451/2018 & CM No. 1934/2018

DEEPAK PURI & ANR

.... Petitioners

Through Ms.Maneesha Dhir, Adv. With
Mr.KPS Kohli, Ms.Sharmistha Ghosh
& Mr.Mahipal Singh, Adv.

versus

STATE BANK OF INDIA & ANR

..... Respondents

Through Mr.Kittu Bajaj, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.09.2018**

1. The petitioners have filed the present petition impugning the notice dated 01.01.2018 issued by respondent no.1 (State Bank of India – hereafter ‘SBI’) calling upon the petitioners to show cause as to why their name should not be included in the list of ‘Wilful Defaulters’ as per the RBI guidelines.

2. The petitioners are, essentially, aggrieved on two accounts. First, that the notice expressly prohibits the petitioners from taking the assistance of lawyers and other professionals. And second, that the relevant documents have not been provided to the petitioners.

4. Ms Dhir, the learned counsel appearing for the petitioners has drawn the attention of this Court to an order passed by the Punjab & Haryana High Court in *Moser Baer Solar Limited vs. State Bank of Patiala: Civil Writ*

Petition No.21223/2016 decided on 07.10.2016, whereby the State Bank of Punjab (which is now merged with SBI) was directed to provide relevant documents to the petitioner therein. It is to be noted the petitioner in that case (Moser Baer Solar Limited) was the principal borrower and the petitioners in this case are the directors of Moser Baer Solar Limited.

5. At the outset, it is relevant to state that the impugned notice does not prohibit representation by a lawyer or other professionals. It merely states that they shall not be allowed in substitution of the noticees. The relevant extract of the impugned notice is set out below:

“Please note that the above opportunity is for making your personal submission if any in the matter and the Lawyers/Chartered Accountants/Consultants who are not Partners/Directors/Officers/ Employees of the Firm/Company will not be allowed, in substitution of your personal presence and submission before the Committee.”

6. Thus the petitioners can, with the permission of the concerned Committee, seek assistance of an advocate or other professionals. The Learned counsel appearing for respondent no.1 also states that in terms of the impugned notice, there is no difficulty in permitting the petitioners to avail the assistance of an advocate or other professionals. She further states that respondent no.1 will comply with the order passed by the Punjab & Haryana High Court and relevant documents would be provided to the petitioners, if not already provided.

6. In this view, grievance of the petitioners is redressed and no further orders are required to be passed in this petition. The petition is, accordingly, disposed of.

7. It is, however, clarified that since the hearing scheduled as per the impugned notice was not held, separate notices would have to be issued to the petitioners as and when the dates for the hearing are so fixed.

8. The pending application stands disposed of.

VIBHU BAKHRU, J

SEPTEMBER 26, 2018

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