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

+ **W.P.(C) 7664/2018**

**SECURITY SECTOR SKILL DEVELOPMENT
COUNCIL**

..... Petitioner

Through: Mr Arvind Datar, Sr. Advocate with
Mr Vaibhav Gaggar, Ms Manika
Lakhanpal, Ms Suchendra Dutt, Mr
Aaditya Vijay Kumar and Mr Arjun
Kant, Advocates.

versus

**MINISTRY OF SKILL DEVELOPMENT AND
ENTREPRENEURSHIP AND ORS**

..... Respondents

Through: Mr Anil Soni, CGSC with Mr Santosh
Kumar Pandey and Mr Abhinav
Tyagi, Advocates for R-1.
Mr Abhinav Vashisht, Sr. Advocate
with Mr Abhinav Agnihotri, Ms
Abhilash Singh and Ms Priya,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.07.2018

CM No.29371/2018

1. For the reasons stated in the application, the same is allowed. The application is disposed of.

W.P.(C) 7664/2018 & CM No. 29370/2018

2. Issue Notice. The learned counsel appearing for the respondents accept notice.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Issue an appropriate Writ of Mandamus and /or such other appropriate Writ, order or direction quashing and setting aside

the Impugned Order dated 05.01.2018 and 09.01.2018 issued by the Respondent No. 1; and/or

b. Issue an appropriate Writ of Mandamus and /or such other appropriate Writ, order or direction quashing and setting aside the impugned order 09.01.2018 passed by Respondent No. 2.”

4. Mr Datar, the learned Senior Counsel appearing for the petitioner has restricted the relief in the present petition to prayer (b); that is, the petitioner’s challenge to the order dated 09.01.2018, whereby respondent no.2 has directed AXIS Bank to freeze the following bank accounts of the petitioner:

1. Bank Account Name: Security Sector Skill Development Council
Account No.916010027016160
Swift: UTIB 0000540
2. Bank Account Name: Security Knowledge and Skill Development Council
Account No.909020041643017
IFSC Code: UTIB 0000540
Branch Address: MGF Mega City Mall, M. G. Road, Gurgaon - 122002

5. Mr Datar, submits that in terms of the said communication dated 09.01.2018, AXIS Bank has frozen the aforesaid accounts.

6. The principal reason for respondent no.2 to have taken the said action stems from an allegation that the petitioner had diverted the grant given by the Government of India. It is not disputed that the said grant was provided some years ago. The petitioner claims that the same was fully utilised for the purpose for which it was provided.

7. At this stage, this Court is not called upon to examine, whether the allegations made against the petitioner are correct or not. The principal

question that falls for consideration of this Court is whether respondent no.2 has any authority in law to direct freezing of the bank accounts of any other entity.

8. This Court had pointedly asked Mr Vashisht, learned Senior Counsel who appears for respondent no.2, to indicate any provision of law that authorises it to take such action. Mr Vashisht earnestly contended that the petitioner was diverting the funds and, therefore, the action was justified and had been taken pursuant to the direction issued by the Government of India. However, he was unable to show any provision of law which authorised respondent no.2 to freeze the bank accounts of the petitioner.

9. In view of the above, the communication dated 09.01.2018 issued by respondent no.2 to the AXIS Bank directing freezing of the petitioner's accounts is, plainly, without authority of law. The said communication is, accordingly, set aside.

10. It is, however, clarified that this would not preclude respondent no.2 from initiating any action in accordance with law including for recovering any amount, which according to it is recoverable from the petitioner.

11. Needless to mention that all rights of the petitioner are reserved including the rights of the petitioner to pursue its remedies in respect of other prayers, which are not pressed at this stage.

12. The petition is disposed of in the above terms. The pending application also stands disposed of.

13. Order *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

JULY 25, 2018/MK