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

+ **W.P.(C) 10987/2018**

RAGHU HARI DALMIA

..... Petitioner

Through Mr Ankur Singhi, Mr Arjit Pratap Singh,  
Advocates.

versus

RESERVE BANK OF INDIA AND ORS.

..... Respondents

Through Mr H.S. Parihar, Mr K.S. Parihar,  
Advocates.

Mr Praveen Gautam Mr Jitesh P. Gupta, Mr Pawan  
Shukla, Advocates for R2 to R5.

**AND**

64.

+ **W.P.(C) 11025/2018**

GAURAV DALMIA

..... Petitioner

Through Dr A.M. Singhvi, Senior Advocate with  
Mr Anish Dayal, Ms Rupam Sharma, Mr Ankur  
Singhi, Mr Arjit Pratap Singh, Advocates.

versus

RESERVE BANK OF INDIA AND ORS.

..... Respondents

Through Mr H.S. Parihar, Mr K.S. Parihar,  
Advocates.

Mr Praveen Gautam Mr Jitesh P. Gupta, Mr Pawan  
Shukla, Advocates for R2 to R5.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**26.10.2018**

1. The petitioners have filed the present petitions, *inter alia*, impugning the decision dated 01.10.2018 of the Committee of Executives(COE) on Wilful Defaults of the respondent bank (Bank of Baroda) declaring the petitioner as “Wilful Defaulters”.

2. At the outset, the learned counsel appearing for the Bank of Baroda submits that it would not be apposite for this Court to entertain the present petitions as no of the part of the cause of action has arisen within the territorial jurisdiction of this Court. She further, submitted that the petitioners had been declared as “Wilful Defaulters” pursuant to the default regarding the financial assistance granted to M/s Pro Minerals Private Limited. She states that the said company was also be declared a “Wilful Defaulter” on the same grounds as the petitioners and it had challenged the same before the Calcutta High Court. However, the said writ petition was withdrawn. Similarly, a writ petition preferred by two other directors of M/s Pro Minerals Private Limited, which was also withdrawn. Certain guarantors had also challenged the same and that petition was withdrawn as well. She submits that, in addition, Axis Bank Limited had also declared the M/s Pro Minerals Private Limited and the petitioners as “Wilful Defaulters”. This was, *inter alia*, on the ground that the company and its directors had diverted a sum of ₹38.49 crores for purposes other than for which the loan was granted. She states that although, the petitioners did not challenge the said decision but M/s Pro Minerals Private Limited did so before the High Court of Calcutta by filing a writ petition (W.P. No. 170/2017), which was dismissed by an order dated 04.04.2017 as the Court found no merit in the same.

3. At this stage, Mr Singhvi, learned Senior Counsel appearing for the petitioners seeks to withdraw the present petition with liberty to approach the Calcutta High Court. The petitions are dismissed as withdrawn with the aforesaid liberty.

4. It is clarified that this Court has not examined any of the contentions advanced by the petitioners.

**VIBHU BAKHRU, J**

**OCTOBER 26, 2018**

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