

\$~91

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

+ W.P.(C) 10961/2018

SANDEEP JAJODIA

..... Petitioner

Through: Mr Sandeep Sethi, Sr. Advocate with
Mr Rishi Agarwala, Mr Karan Luthra
and Ms Niyati Kohli, Advocates.

versus

IDBI BANK LIMITED

..... Respondent

Through: Mr Sidhartha Barua and Ms Adity
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

11.10.2018

C.M. Nos.42695/2018 & 42696/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 10961/2018 & CM No.42694

2. Issue notice. Learned counsel appearing for the respondent accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 05.10.2018 issued by the respondent to the limited extent that it precludes the petitioner from seeking any representation through an advocate.

4. The impugned notice relates to the proceedings initiated by the respondent for declaring the petitioner a wilful defaulter. The petitioner also prays that the respondent be directed to provide all documents relied upon

by the respondent for initiating the aforesaid action.

5. The aforesaid issue was considered by this Court in *Sujit Dasgupta v. IDBI Bank Ltd.: W.P.(C) 10330/2018* and another connected matter decided on 04.10.2018.

6. For the reasons stated in the said decision, the present petition is allowed in the following terms:-

- i) The concerned Committee of IDBI Bank Ltd. shall ensure that the petitioner is afforded an opportunity to be heard by the concerned Committee and is also permitted assistance of an advocate.
- ii) It is clarified that the representation by an advocate is not in substitution of the presence of the petitioner but he would be entitled to be accompanied by an advocate of his choice. The concerned Committee is also not precluded from posing queries to the petitioner directly and eliciting his response.
- iii) The respondent bank would also provide the petitioner the relevant extract of the transaction audit report, which is material to determining whether the petitioner is a wilful defaulter.

7. The hearing fixed before the concerned committee on 12.10.2018 shall be suitably deferred to comply with the aforesaid directions.

8. The pending application is also disposed of.

9. Order *dasti* under the signatures of the court master.

VIBHU BAKHRU, J

OCTOBER 11, 2018/MK