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

+ **W.P.(C) 8107/2017 & C.M. No. 33353/2017**

M/S TREND SETTERS

..... Petitioner

Through: Ms. Sonal Sinha, Advocate Ms Aastha Vashistha, Advocate.

versus

RESERVE BANK OF INDIA AND ORS

..... Respondents

Through: Mr H.S. Parihar & Mr K.S. Parihar,
Advocates for RBI.

Mr Anil Soni, CGSC for R2.

Mr Bharat Singh Sisodia, Advocate with ASI P.S.
Mangolpuri

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.10.2018

1. The petitioner has filed the present petition, *inter alia*, seeking that a direction be issued to Reserve Bank of India (RBI) to permit the petitioner to deposit /exchange currency notes of the denominations of ₹1000/- (100 in number) and ₹500/- (480 in number) aggregating to ₹3.4 lacs.
2. It is stated that the said currency notes were stolen from the petitioner. The petitioner had filed an FIR and these notes were recovered. However, the same were not returned to the petitioner at the material time but retained as case material. The said currency notes were released to the petitioner on 08.03.2017. The petitioner, thereafter, approached the RBI to deposit the

same on 11.03.2017. However, in view of the enactment of the Specified Bank Notes (Cessation of Liabilities) Act, 2017, the RBI did not exchange the said currency notes. Subsequently, thereto, on 12.05.2017, the Central Government issued a notification, which requires the RBI to exchange such notes in cases where they have been released after the expiry of the period specified in Section 4 of the said Act, provided that the Court releasing such currency notes down the serial numbers of the same in an order.

3. In the present case, although, the currency notes were released to the petitioner, neither the courts nor the police authorities have noted down the serial numbers as there was no such requirement to do so at the material time. However, the police authorities had photographed the said currency notes and also noted down the number and the denomination.

4. Clearly in the terms of the said Act, the rules framed thereunder and the notifications issued, the currency notes released to the petitioner cannot be exchanged.

5. The petitioners grievance against the said notifications or the said Act cannot be considered in view of the order passed by the Supreme Court in *W.P. (C) No. 906/2016* captioned *Vivek Narayan Sharma vs. Union of India*.

6. In view of the above, the present petition is disposed of leaving it open to the petitioner to approach this Court after the decision is rendered by the Supreme Court in the aforesaid matter. The petitioner is also not precluded from approaching the Supreme Court by way of an appropriate application for the necessary clarification.

7. The pending application stands disposed of.

8. Order *Dasti* under signatures of the court master.

VIBHU BAKHRU, J

OCTOBER 01, 2018/ss