

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1901 OF 2017

Raj Raman ... Petitioner

Versus

State Bank of India and anr. ... Respondents

Mr. Aditya Mehta i/by Mr. Abhineet Pange for the Petitioner.

Mr. V.S. Sawant for respondent no. 1.

**CORAM : B.P. DHARMADHIKARI &
SMT ANUJA PRABHUDESSAI, JJ.**

DATE : FEBRUARY 13, 2019

P.C.:

Heard learned counsel.

2. The contention of the petitioner is that the submission dated 07/09/2016 forwarded by the petitioner opposing the declaration as willful defaulter ought to have been looked into by the Identification Committee or then at least by the Review Committee. It is claimed that the petitioner joined as Strategic Director after the loan was already taken and that he has not participated in that transaction. Learned counsel submits that the Identification Committee gave him one first opportunity of which notice was received only a day prior and hence adjournment was sought.

When he was preparing himself for adjourned hearing on 30/08/2016, he became ill on 27/08/2016 and hence, he sought adjournment of three weeks. Thereafter he submitted his defence in writing on 07/09/2016. Thus, it is submitted that reasonable opportunity of defence is denied to the petitioner.

3. Counsel for respondent no.1 Bank submits that the loan was revised and the petitioner joined as Strategic Director and petitioner therefore cannot disown his responsibility. He was given one opportunity and on 30/08/2016⁷ he was aware of the scheduled date. He did not forward any reply in defence before 30/08/2016 and it is in this situation that the Committee proceeded further. He also invites our attention to clause 3(a) to (c) to urge that no opportunity is envisaged by master circular before the Review Committee.

4. After hearing respective counsel, we find that the petitioner was given second opportunity on 30/08/2016. Petitioner did not participate in that hearing. He has not produced before us any material to point out circumstances which prohibited him from appearing. He has after 30/08/2016, on 07/09/2016 submitted the defence. It is to be kept in mind that on 27/08/2016 he has sought adjournment of three weeks and within one week from

30/08/2016 he has submitted his defence in writing. The provisions of Master Circular to which our attention has been invited only require the Identification Committee to hear the petitioner and take decision upon it. This decision does not come into force till it is maintained by the Review Committee. The matter has been considered by the Review Committee after 30/08/2016 in its meeting conducted on 05/10/2016. The petitioner has not pointed out even to Review Committee the reasons for his absence on 30/08/2016 and has not substantiated the same.

5. We notice that the petitioner was only trying to protract the decision making process. No case is made out. Writ petition is accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(B.P. DHARMADHIKARI, J.)