

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Original Side**

The Hon'ble Justice Sabyasachi Bhattacharyya

**WPO 206 of 2020
IA No: GA 3 of 2020
(Old No: GA 1098 of 2020)**

**Suresh Kumar Patni and others
Vs.
Punjab National Bank and another**

For the petitioner : Mr. Sabyasachi Choudhury,
Mr. Pankaj Agarwal,
Ms. Paramita Maity

For the respondent no.2 : Mr. D. Sen,
Mr. M. Maitra,
Ms. Suchismita Ghosh,
Mr. M.K. Seal

Hearing concluded on : 11.12.2020

Judgment on : 23.12.2020

The Court:

1. The petitioner nos. 1 and 2 are erstwhile promoters/directors and guarantors of a company named Rohit Ferro Tech Ltd. which is undergoing corporate insolvency resolution process vide order dated February 7, 2020 passed by the National Company Law Tribunal, Kolkata. Petitioner nos. 3, 4, 5 and 7 are erstwhile Independent Directors, petitioner no.6 an erstwhile Executive Director and petitioner nos. 8 to 12 Corporate Guarantors of the company.

- 2.** By a letter dated February 28, 2019, show-cause was issued to the petitioners regarding proposed declaration of the petitioners as wilful defaulters under the RBI Master Circular dated July 1, 2015. The petitioners replied to the show-cause notice on June 6, 2019. By way of a letter dated July 10, 2019, the petitioners were informed that the Committee for Identification of Wilful Defaulters (Identification Committee) had classified the petitioners as wilful defaulters on April 19, 2019 and that such decision had been confirmed by a Review Committee. The petitioners, by a letter dated July 23, 2019, refuted the allegations made by the respondents and requested the latter to withdraw and/or cancel and/or revoke the orders of the Committees. The petitioners thereafter moved a writ petition bearing W.P. No. 392 of 2019 before this court, which was disposed of by a co-ordinate Bench on August 5, 2019, whereby it was held that there were procedural irregularities in the decision to classify the account as wilful defaulter. The bank was permitted to initiate proceedings under the Master Circular in respect of the subject account in accordance with law and to communicate the decision of the Identification Committee to the persons responsible in accordance with law.
- 3.** Subsequently, another show-cause notice dated November 5, 2019 was served on the petitioners, to which the petitioners replied on November 22, 2019. In the said reply, the petitioners denied the allegations made

in the notice dated November 5, 2019 and requested the bank to furnish the documents and information, including a copy of the forensic report relied on by both the Committees, to enable the petitioner to give a proper reply. Such documents, however, were not furnished by the bank.

4. By a communication dated March 31, 2020, the Deputy General Manager of the respondent-bank informed the petitioners that they had been confirmed by the Review Committee as wilful defaulters. Enclosed with such communication was a copy of the order passed by the Review Committee on February 6, 2020 so confirming. The petitioners submitted that they were not informed about the order passed by the Identification Committee at all. Vide letters dated June 1, 2020 and June 4, 2020, the petitioner nos. 8 to 12 and 1 and 2 replied respectively to the letter dated March 31, 2020. Petitioner nos. 3 to 5 and 7 gave reply by their respective letters, both dated June 1, 2010.
5. The present writ petition has been filed, seeking recall of the letters dated November 5, 2019 and March 31, 2020 and the order dated February 6, 2020 and the order of the first Committee leading to such order.
6. Learned counsel for the petitioners argues that the show-cause notice issued lastly to the petitioners evinces that the Identification Committee had reached a conclusion regarding the classification of the petitioners as wilful defaulters even prior to issuance of the show-cause notice.

Moreover, it is argued that no copy of the forensic report, which was the basis of the orders of both the Committees, was ever served on the petitioners. That apart, it is argued that neither the order of the Identification Committee nor any notice of the Review Committee was given to the petitioners. In fact, a reply was directed to be filed by the petitioners straightaway before the Review Committee. Thus, the petitioners were not only deprived of a forum but also of the opportunity of giving a proper representation before either of the committees.

7. It is further submitted that the Review Committee's order was identical with that of the Identification Committee and did not indicate any independent application of mind by the Review Committee.
8. Learned counsel for the petitioners cites an unreported judgment dated May 3, 2019 passed by a co-ordinate Bench of this court in W.P. No. 7471(W) of 2019 [*M/s Atlantic Projects Ltd. & Ors. Vs. The Allahabad Bank & Ors.*], for the proposition that Clause 3(b) of the Master Circular, 2015 requires application of mind by the Identification Committee at all stages. It is required to apply its mind on the contents of the show-cause notice also as it is a crucial stage in the whole process. The delinquent must have the entirety of the materials that were placed before the Identification Committee for the delinquent to give a meaningful submission. It was held to be imperative that the

Identification Committee applies its mind to the contents of the show-cause notice so that the delinquent is not deprived of a meaningful opportunity to defend itself.

9. The petitioners next place reliance on another unreported judgment of the same co-ordinate Bench dated July 16, 2019 passed in *W.P. No. 381 of 2018 [Moser Baer India Ltd. vs. UCO Bank & Anr.]*. It was held in the said judgment that the Master Circular on wilful defaulters dated July 1, 2015 contemplates two tier decision-making process for the purpose of identification of a wilful defaulter and contemplates establishment of an Identification Committee consisting of the specified number of personnel with the requisite qualifications and constitution of a Review Committee. Once such Committees are established, the Master Circular requires that a bank having material to proceed against an account to have the same declared as a wilful defaulter, to place such material before the Identification Committee. Such Committee, being satisfied with the sufficiency of the materials placed before it and having the view that there are sufficient grounds to suspect the account to be classified as wilful defaulter, is required to issue a show-cause notice to the account holder, for the account holder to respond thereto. Such response is thereafter considered by the Identification Committee and, if the decision of the Committee is adverse to the account holder, the latter is at liberty to prefer an appeal before the Review Committee

within the period stipulated. On such an appeal, the Review Committee is to decide such appeal in accordance with law. Placing reliance on the case of *State Bank of India vs. Jah Developers Private Limited and others*, reported at (2019) 6 SCC 787, it was held that the Identification Committee must give its order to the borrower as soon as it is made and that the Review Committee must pass a reasoned order on the representation made by the borrower.

10. Citing the case of *M/s Kanchan Motors and Others vs. Bank of India and Others*, reported at 2018 SCC OnLine Bom 1761, it is argued that a Division Bench of the Bombay High Court set aside an order of the Review Committee in that case on the ground that its order was non-speaking.
11. By citing the case of *Jah Developers (supra)*, learned counsel for the petitioners submits that the Supreme Court categorically observed that the borrower can represent against the order of the first Committee within a period of 15 days to the Review Committee. Such representation can be a full representation on facts and law (if any).
12. Referring to Clause 3(b) of the RBI Master Circular dated July 1, 2015, it is argued that the Identification Committee shall issue a show-cause notice to the concerned borrower and the promoters/whole-time director and call for their submissions. In the present case, however, apart from the petitioner nos. 1 and 2, none of the other petitioners

were promoters/whole-time directors of the company. Moreover, the show-cause notice dated February 28, 2019 and/or the orders of both the Committees did not reveal any allegation against the Corporate Guarantors. Such guarantors, it is argued, have no liability in respect of wilful default but might only be held responsible with regard to repayment of the loan itself, if at all. Paragraph no. 2 of the writ petition indicates clearly that the petitioner nos. 3, 4, 5 and 7 are erstwhile Independent Directors, the petitioner no. 6 an erstwhile Executive Director and petitioner nos. 8 to 12 Corporate Guarantors of the company.

13. On the other hand, learned counsel for the respondents submits that the company itself has not come up with the writ petition or challenged the show-cause notice and/or the orders of the Committees. The petitioners are only some of the Directors/Corporate Guarantors and are different and distinct from the company, which is a separate juristic entity in law.
14. It is next argued by the respondents that there has been substantial compliance of the Master Circular. Even if there has been any minor deviation, no prejudice has been caused to the petitioners. As far as *Jah Developers (supra)* is concerned, the Supreme Court did not specify that the documents relied on by the Committees have to be provided to the borrower.

15. Learned counsel for the respondents argues that public interest regarding default to the tune of several crore rupees is involved in the present dispute; hence, there ought not to be any interference by the writ court with the declaration of the petitioners as wilful defaulters.
16. It is argued, with particular reference to Section 149 of the Companies Act, that a Corporate Guarantor is different from a Corporate Debtor. Moreover, Independent Directors, though not included in Clause 3(b) of the Master Circular, nonetheless have to satisfy the court regarding their non-involvement in the default. No such attempt has been made by the petitioners in the present case.
17. As far as non-supply of the forensic report is concerned, the respondents submit that a copy of the same has been annexed to the vacating application [IA No: GA 3 of 2020 (Old No: GA 1098 of 2020)], filed in connection with the present writ petition. It is evident therefrom that the findings rendered therein justify the declaration of the petitioners as wilful defaulters. The report was prepared by the petitioners' auditors, based on the accounts of the company itself. It is clearly specified in the show-cause notice as well as the impugned orders of both the Committees that those are based on findings of the said forensic report. Such findings have been quoted in the show-cause notice and the orders, thus leaving no scope for any grievance on the part of the petitioners as to non-supply of a copy thereof.

18. It is argued that, in the circumstances, the non-service of the forensic report did not cause any prejudice to the petitioners at all.
19. Placing Clause 3(b) of the RBI Master Circular, 2015, learned counsel submits that the same clearly stipulates that a show-cause notice shall be issued if the Identification Committee “concludes” that an event of wilful default has occurred. Thus, the petitioners’ arguments as regards the Identification Committee having arrived at a final conclusion before the show-cause notice, is not tenable in the eye of law. The ‘conclusion’ arrived at by the Committee prior to the show-cause notice was of tentative nature, subject to final orders being passed by the Identification Committee and being confirmed by the Review Committee.
20. Learned counsel for the respondents submits that the findings of the audit report, as quoted in the show-cause notice, correspond to certain findings of the Review Committee order, as evident from page nos-86 to 89 of the Review Committee order. It is evident from the portions of the forensic report, as appearing at page nos-86 to 89, 91, 103 and 104 of the vacating application, that such findings indicate violation of Clauses 2.1, 2.2.1(b) etc., of the Master Circular.
21. It is argued that the Identification Committee maintained its earlier order even after the direction of the co-ordinate Bench of this court and, therefore, no further notice of such order was required to be

served on the petitioners. That apart, the petitioners filed no reply on merits, which left no option for the Review Committee but to approve of the Identification Committee order.

22. As per Clause 3(b) of the Master Circular, 2015, the Identification Committee has to issue its order to the willful defaulters. Although such stipulation was not complied with strictly by the respondents, the petitioners were not prejudiced since the initial order of the Identification Committee was available to them previously.
23. Citing the judgment of *State Bank of Patiala and others vs. S.K. Sharma*, reported at (1996) 3 SCC 364, it is argued that the test of prejudice has to be applied and the rule of '*audi alteram partem*' has been curtailed where the interests of State or public interest are involved.
24. Citing the judgment of *Dharampal Satyapal Limited vs. Deputy Commissioner of Central Excise, Gauhati and others*, reported at (2015) 8 SCC 519, it is submitted that, if opportunity to represent does not make a difference or would be of no avail, mere breach of procedure cannot give rise to a remedy in courts.
25. The respondents next relied on *Kotak Mahindra Bank Limited vs. Hindustan National Glass & Industries Limited and Others*, reported at (2013) 7 SCC 369, on the proposition that the Master Circular of 2015 was issued only to put in place a system to disseminate credit

information so that no further bank finance is made available to wilful defaulters. Thus, minor irregularities in complying with the procedure laid down in the Circular do not vitiate the orders of the Identification Committee and the Review Committee.

26. Citing *Sandip Kumar Bajaj and another vs. State Bank of India and another*, reported at 2020 SCC OnLine Cal 1659, passed by a co-ordinate Bench of this court, learned counsel for the respondents argues that the proposition laid down in *M/s Atlantic Projects (supra)* was overruled.
27. The respondents argue that sufficient reasons were given by the Review Committee in its order, thus leaving no scope for interference by court. *Jah Developers (supra)* did not stipulate that the documents relied on by the Committees have to be supplied to the delinquent. Thus, the petitioners' reliance on *Jah Developers (supra)* is misplaced.
28. In reply, the petitioners argue that, as stated in the first paragraph of the writ petition, the company is facing IBC proceedings and is under a corporate insolvency resolution process, making it impossible for the company itself to move the present writ petition. Since notice was issued and orders of wilful default were passed against the petitioners, the petitioners have *locus standi* to move the present writ petition.
29. Learned counsel for the petitioners argues that, as evident from the forensic report furnished by the respondents for the first time with the

vacating application, only a negligible percentage of transactions were off-set out of the loan amount. By placing several findings in the auditor's report itself, learned counsel submits that the same was tentative and not final and was not binding on the petitioners or the company in any respect. The authors of the report specifically observed in the report that it was prepared for a specific purpose on request of the SBI and could not be used for any other purpose. The SBI itself having no qualms with the petitioners or the company, the respondents could not have relied on the same as sacrosanct for taking the ultimate step of declaring the petitioners wilful defaulters.

30. By reading out several observations made at pages-80, 81, 100 and 104 of the report itself, learned counsel argues that the same could not be sufficient basis of declaring the petitioners wilful defaulters. Thus, it is submitted, it was all the more necessary for the respondents to supply a copy of the forensic report to the petitioners for the latter to make a meaningful representation on fact and the law before both the Committees, as held in *Jah Developers (supra)*.
31. The forensic report, in any event, was smuggled into the vacating application for the first time, argues learned counsel for the petitioners, without any reference to it as an annexure in the body of the vacating application itself. Hence, according to the petitioners, no reliance whatsoever could be placed on such annexure, particularly since the

same had not been produced at any stage prior to the vacating application.

- 32.** The petitioners distinguished *State Bank of Patiala (supra)* by relying on the expression 'waiver' as stated in paragraph no. 33(4)(b) of the same. Such expression is also indicated from a conjoint reading of paragraph nos. 29, 31 and 32 of the said report according to the petitioners. In the present case, however, there was no question of any waiver by the petitioners at any point of time. As such, as in other cases falling under Clause 3(b) of the Master Circular, adequate opportunity ought to have been given to the alleged delinquents to represent their case before the committees.
- 33.** As far as *Dharampal Satyapal Limited (supra)* is concerned, learned counsel for the petitioners places reliance on paragraph no. 44 thereof to show that the consideration therein was that if a delinquent was not prejudiced by a report, only then a breach of the Master Circular would not make a difference; but clearly, even as per the said judgment, a copy of the enquiry report is to be served on the alleged defaulter under normal circumstances.
- 34.** The judgment of *Kotak Mahindra Bank Limited (supra)*, it is submitted, was watered down in *Jah Developers (supra)*.

- 35.** As far as *Sandip Kumar Bajaj (supra)* is concerned, learned counsel for the petitioners argues that the same was rendered in a different context and does not have the effect of overruling *M/s Atlantic (supra)*.
- 36.** Upon a consideration of the submissions of both sides, it appears from the uncontroverted averments in the first paragraph of the writ petition that CIRP proceedings are going on in respect of the company-in-question vide order dated February 7, 2020 passed by the National Company Law Tribunal, Kolkata, thus, disabling the company itself from preferring the writ petition. That apart, since the show-cause notice was issued to the petitioners themselves and the petitioners were held to be wilful defaulters, the present challenge at the behest of the petitioners, without impleading the company separately, is valid in law.
- 37.** At the outset it is noted that admittedly, apart from petitioner nos. 1 and 2, none of the petitioners were promoters/whole-time directors of the company. Since the Master Circular is penal in nature, although arguably not stigmatic, the provisions thereof ought to be strictly construed. Moreover, Clause 3(b) of the Master Circular, 2015 operates in a restricted and specific domain and specifies that a show-cause notice is to be issued to the concerned borrower and the promoters/whole-time director before initiating proceedings under the provisions of the Circular against such persons. Hence, the mechanism for identification of wilful defaulters, as stipulated in Clause 3 of the

Master Circular, cannot apply at all to persons other than promotes/whole-time directors, in the present case, petitioner nos. 3 to 12. There was no allegation against corporate guarantors at all, either in the show cause notice or in the orders of the committees. Even regarding the erstwhile Independent Directors and Executive Directors, the show-cause notice itself was not maintainable, thus, vitiating the consequent orders of the Identification Committee and the Review Committee. However, such logic is not applicable to the petitioner nos. 1 and 2.

- 38.** Although the respondents have pleaded public interest in the matter, the mechanism of declaring wilful default was put in place to prevent corrosion of the economy and financial malpractices. However, lack of transparency in the mechanism of declaring wilful defaulters would itself be a major disincentive to commerce, which would adversely affect the economy at large. Even if not a stigma by itself, such declaration has far-reaching effect, since the concerned persons would not get any loans or other financial benefits and incentives in future due to such declaration. Hence, the respondents' argument, as to the irregularity committed by them being minor and without prejudice to the petitioners, does not hold water.
- 39.** Not only did the respondents arrive at conclusive findings in the show-cause notice itself, thereby hinting at a predetermined and closed

mind-set, having pre-decided that the petitioners were wilful defaulters even prior to the orders of the two committees, no copy of the Identification Committee order was handed over to the petitioners at all. The flimsy pretext that the said order was a virtual reiteration of the initial order of the committee defies logic since, after such order, a co-ordinate bench of this court had specifically directed fresh order to be passed, thereby rendering the previous order infructuous. The admission of the respondents that the subsequent order was a mere reiteration of the previous order itself vitiates the sanctity of the latter order for lack of application of independent judicial mind in the second adjudication.

40. Moreover, the respondents chose not to supply copies of the forensic report, which was the very plinth of the orders of both the committees, as well as the show-cause notice itself to the petitioners, thereby violating basic norms of natural justice and rendering the observations in *Jah Developers (supra)*, regarding a meaningful representation on fact and law by the delinquents, a myth. The petitioners were not given any opportunity of reply, before the Identification Committee passed an order on the show-cause notice, by withholding copies of the forensic report. Thereafter, the respondents also withheld a copy of the Identification Committee order, which they were bound under Clause 3(b) of the Master Circular to give to the petitioners immediately. The

first opportunity of reply given to the petitioners would necessarily be before the Review Committee, thereby depriving the petitioners of the first forum.

41. In any event, the Review Committee merely quoted the report and the findings of the Identification Committee without any independent application of mind being reflected from its order. Thus, the entire process of declaring the petitioners as wilful defaulters was reduced to a farce.
42. The principle laid down in *Jah Developers (supra)*, as elaborated in *M/s Atlantic (supra)*, were utterly violated by the respondents, as were the provisions of Clause 3 of the Master Circular, 2015.
43. Contrary to the arguments of the respondents, the observation made in *M/s Atlantic (supra)* was not diluted in any manner, let alone being overruled, in *Sandip Kumar Bajaj (supra)*. *Sandip Kumar Bajaj (supra)* was rendered on an entirely different footing and in a different context than *M/s Atlantic (supra)*. While dealing with *M/s Atlantic Projects (supra)*, the learned Single Judge in *Sandip Kumar Bajaj (supra)* relied on the principles laid down in a Division Bench judgment of *Sudhir Kumar Patodia/Pawan Kumar Patodia*, pronounced on February 28, 2020. In the said Division Bench judgment, it was held that omission to refer to the decision of the Identification Committee would not render the show-cause notice vulnerable to challenge. In the case of *Sandip*

Kumar Bajaj (supra), *Pawan Kumar Patodia (supra)* was discussed in the light of a challenge to the show-cause notice on the ground that the issuing authority lacked jurisdiction under the governing guidelines and there had been a delegation of power to a lesser authority. The question of prejudice consequent to a show-cause notice was also addressed therein. The conduct of the petitioners, as held in *Sandip Kumar Bajaj (supra)*, would appear from the facts of the case to lend credence to the ‘prejudice’ point.

44. In the present case, however, the prejudice point is squarely applicable, since the petitioners would be highly affected for non-supply of the forensic report, which, apart from being not binding as per its own findings, could have been refuted by the petitioners on various scores, as indicated by learned counsel for the petitioners. Thus, it cannot be said that the ratio of *M/s Atlantic Projects (supra)* was “overruled” in *Sandip Kumar Bajaj (supra)*.
45. The respondents try to justify the withholding of the Identification Committee order on the ground that the said committee relied on its previous order, due to which no further service of copy of its second order was necessary. However, such reasoning is mere circular logic. After the specific direction of the co-ordinate bench, as mentioned earlier, it was incumbent upon the Identification Committee to pass a fresh order. Mere reiteration of its previous order would not absolve it

from the duty to serve the order afresh on the petitioners. In the absence of such fresh service, there was no occasion for the petitioners to represent against the same, if they so wished, before the Review Committee.

46. The Identification Committee permitted the petitioners to file their reply directly before the Review Committee, which deprived the petitioners of a hearing before the first committee. The scope of consideration by the Review Committee would only arise once the Identification Committee decides the matter of declaration of wilful defaulter upon considering the stand of the alleged delinquent. Without such opportunity, the order of the Identification Committee would be incomplete, being bereft of the delinquents' version, leaving no scope for the Review Committee to consider the petitioners' defence.
47. The argument, that the Review Committee had no option but to confirm the Identification Committee order in its entirety, is based on faulty logic, since the petitioners had, in fact, specifically asked for a copy of forensic report and other relevant documents, which was denied to them. Thus, it was impossible for the petitioners to put their representation on fact and law before either of the Committees. The petitioners had no opportunity to refute the observations of the forensic report, to show its inherent contradictions and/or point out the irrelevance of the report in the context of declaration of willful default,

although the report was virtually the sole basis of the show cause notice and the impugned orders.

- 48.** That apart, mere reference to the forensic report in the orders of the committees was not enough, in the absence of any opportunity of rebuttal being given to the petitioners, as no copy of the report was served on the petitioners at any point of time. Portions of the findings in the report were culled out in isolation to suit the committees' agenda of declaring the petitioners wilful defaulters. Even factually, counsel for the petitioners demonstrated that several facets of the report, which might have counter-balanced the alleged irregularities of the petitioners, were totally overlooked by the committees. Moreover, the forensic report itself says that it is not conclusive except for the limited purpose for which it was commissioned by the SBI. Also, since the SBI itself did not rely on such report, the observations of the report could not be relied on solely by the committees, let alone those being treated as sacrosanct.
- 49.** The petitioners are correct in arguing that the vacating application, to which the purported forensic report has been annexed, itself does not refer to it in specific terms at all. It was sneaked into the application as an annexure, without being referred to as an annexure in the body of the vacating application.

50. Thus, non-service of the forensic report to the petitioners at the relevant juncture assumes fatal preparations, vitiating the sanctity and legality of the orders of both the committees.
51. As regards the *State Bank of Patiala (supra)*, the same refers to a waiver on the part of the delinquents, which does not arise in the present case. Without any adequate opportunity being given to the petitioners to refute the report, which was the very basis of the committee orders, there could not have arisen any occasion of conscious relinquishment of a right by the petitioners, amounting to waiver.
52. As far as *Dharampal Satyapal Limited (supra)* is concerned, the non-service of an enquiry report would only be permissible if such omission would not make a difference and/or prejudice the subject of the report. If the delinquent is prejudiced thereby, the enquiry report should be served for a response by the delinquent. In the present case, as demonstrated earlier, the non-service of the forensic report created a huge difference, since both the orders were based on the report and the petitioners have been able to point out several portions of the report which were selectively overlooked by the respondent-authorities. Such portions, such as the miniscule percentage of set-off with regard to the loan account, could have been pointed out by the petitioners if given a chance. Moreover, the forensic report is *ex facie* unreliable for the purpose of identification of wilful defaulters, since the same was of

limited purport in the context in which it was prepared and was *ex facie* tentative and not relevant for any other purpose. In fact, the auditors preparing the report themselves categorically stated in the report itself that the same was not conclusive and cannot be relied on for any other purpose.

53. In such circumstances, the committees acted contrary to logic befitting a prudent person in relying on the same as sacrosanct to hold the petitioners to be wilful defaulters.
54. The entire effort of the Identification Committee and the Review Committee was to somehow label the petitioners as wilful defaulters, in the process violating all norms of natural justice and the provisions of the RBI Master Circular, 2015.
55. Hence, the impugned orders are patently illegal and *de hors* the RBI guidelines.
56. Accordingly, WPO 206 of 2020 is allowed, thereby setting aside the show-cause notice dated November 5, 2019 as well as the orders of the Identification Committee and the Review Committee, respectively dated October 22, 2019 and March 31, 2020. However, this order shall not preclude the respondents from initiating fresh proceedings for identification of the petitioners as wilful defaulters in compliance with Clause 3 of the RBI Master Circular dated July 1, 2015, upon service of a proper show-cause notice, along with all relevant documents on

which the Identification Committee intends to rely, enabling the petitioners to make proper representations before the Identification Committee and the Review Committee, if the matter proceeds to the latter stage. Accordingly, IA No: GA 3 of 2020 (Old No: GA 1098 of 2020) is also disposed of.

- 57.** There will be no order as to costs.
- 58.** Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)