

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1383 of 2020**

Ankita Mahendru D/o Ashwini Mahendru Aged About 29 Years Resident Of
A-55, T.P. Nagar, Korba 495677., District : Korba, Chhattisgarh

---- **Petitioner**

Versus

1. State Bank Of India Having Its Office At State Bank Bhavan, Madame Cama Road, Nariman Point, Mumbai 400 021 Maharashtra., District : Mumbai, Maharashtra
2. Deputy General Manager State Bank Of India (Stressed Assets Management Branch), State Bank Building, First Floor, Plot No. 1, Arera Hills, Bhopal 462 011.
3. Reserve Bank Of India Incorporated In Accordance With The Provisions Of The Reserve Bank Of India Act 1934 Office At Eastern Area Local Board Situated At 15, Netajisubhas Road , Kolkata 700001.
4. Union Of India Through The Ministry Of Corporate Affairs, Registrar Of Companies, Nehru Chowk , District Court Area, Bilaspur 495 001, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Kshitij Sharma, Advocate
For Res. No.1 & 2	:	Mr. P. R. Patankar, Advocate
For Res. No.4	:	Mr. Himanshu Pandey, on behalf of Mr. B. Gopa Kumar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/07/2020

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 17.04.2018 and challenge also is to the show cause notices issued on 30.06.2017 & on 15.12.2017 (Annexure P-5 & P-8) respectively.

2. Vide the impugned order Annexure P-1 the petitioner has been classified as a willful defaulter by the respondents.
3. At the outset, this court is of the opinion that writ petition suffers from delay and latches for the reason that the impugned orders challenged in the present writ petition follows show cause notices which were issued to the petitioner and where it is said that petitioner has all participated in the proceeding and final order was passed on 17.04.2018 declaring the petitioner as a willful defaulter. It is not a case where the petitioner was not aware of such proceeding drawn by the respondent Bank nor is it a case that she was not aware of the impugned order having been passed. Pleadings reveal that the petitioner is also a well qualified person.
4. Given the fact that petitioner was fully aware of the orders and proceedings initiated by the respondents. Two years period for approaching the Writ Court for ventilating the grievance is in the opinion of this Court inordinately delayed. From the perusal of the writ petition this Court does not find any satisfactory justification given by the petitioner for not approaching the Court promptly to challenge the case.
5. So far as law on the delay aspect is concerned the Supreme Court time and again laid down that a person aggrieved of an action should approach the Writ Court promptly and if not, within a reasonable period of time. By no stretch of imagination can the period of more than two years in the instant case be treated a reasonable period for approaching the Court invoking the writ jurisdiction by this Court. The writ petition thus suffers from delay and latches and same stands rejected only on the ground of delay and latches.
6. Rejection of the writ petition would not preclude the petitioner from availing other remedies if available on the administrative side.

Sd/-
(P. Sam Koshy)
Judge