

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
WRIT PETITION NOs.11232, 11963, 13561 & 13602 OF 2019

COMMON ORDER:

All these writ petitions are being disposed of by way of this common order as the issue raised in all these writ petitions is one and the same.

In these writ petitions, the petitioners are challenging the action of the respondents in declaring them as defaulters and publishing their names in Financial Express daily newspaper on 28.05.2019 without following due process of law and without following the guidelines issued by the Reserve Bank of India *vide* circular dated 01.07.2015 and also against the law laid down by the Honourable Supreme Court in **State Bank of India v. M/s. Jah Developers Private Limited and others** (Civil Appeal No.4776 of 2019).

Counsel for the petitioners had contended that insolvency and bankruptcy code procedure is also not followed by the respondents before declaring the petitioners as defaulters and publishing their names in the newspaper. Therefore, counsel for the petitioners contended that appropriate orders be passed in these writ petitions by setting aside the orders whereby the petitioners were declared as defaulters and let the respondents follow due process of law like insolvency and bankruptcy code and also the law laid down by the Honourable Supreme Court in **State Bank of India v. M/s. Jah Developers Private Limited and others** referred supra, and pass

appropriate orders in accordance with law after giving an opportunity of hearing to the petitioners.

Standing Counsel appearing for the respondents had contended that the respondents would follow the law laid down by the Honourable Supreme Court in **State Bank of India v. M/s. Jah Developers Private Limited and others** referred to above and after following due process of law only, appropriate action would be initiated against the petitioners.

In view of the above submissions of learned counsel for respective parties, this Court is of the considered view that these writ petitions can be disposed of by setting aside the orders whereby the petitioners were declared as defaulters, with a direction to the respondents to follow due process of law and also the law laid down by the Honourable Supreme Court in **State Bank of India v. M/s. Jah Developers Private Limited and others** referred to above and pass appropriate orders in accordance with law after giving necessary opportunity to the petitioners.

With the above observations, these writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

3rd February, 2020

v v