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

+ W.P.(C) 2114/2020

M/S DALIP JINDAL AGRO PACKAGING
PVT. LTD. AND ORS.

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.
Sidharth Chopra, Mr. Vijay Kasana,
Mr. Aditya Raj and Mr. Aditya
Awasthi, Advs.

Versus

HDFC BANK

..... Respondent

Through: Mr. Rajeeve Mehra, Sr. Adv. with
Mr. Sugam Seth, Mr. Vikram Babbar
and Mr. Ratnesh Sharma, Advs.

+ W.P.(C) 2115/2020

M/S FAQIR CHAND DALIP KUMAR
AND ORS.

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.
Sidharth Chopra, Mr. Vijay Kasana,
Mr. Aditya Raj and Mr. Aditya
Awasthi, Advs.

Versus

HDFC BANK

..... Respondent

Through: Mr. Rajeeve Mehra, Sr. Adv. with
Mr. Sugam Seth, Mr. Vikram Babbar
and Mr. Ratnesh Sharma, Advs.

+ W.P.(C) 2120/2020

W.P.(C) 2114/2020 & Conn.

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M/S JINDAL AGRO INTERNATIONAL
AND ORS.

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.
Sidharth Chopra, Mr. Vijay Kasana,
Mr. Aditya Raj and Mr. Aditya
Awasthi, Advs.

versus

HDFC BANK

..... Respondent

Through: Mr. Rajeeve Mehra, Sr. Adv. with
Mr. Sugam Seth, Mr. Vikram Babbar
and Mr. Ratnesh Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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25.02.2020

CM No.7468/2020 in W.P.(C) 2114/2020

CM No.7470/2020 in W.P.(C) 2115/2020

CM No.7476/2020 in W.P.(C) 2120/2020

1. Allowed, subject to just exceptions.

W.P.(C) 2114/2020 & CM No.7467/2020

W.P.(C) 2115/2020 & CM No.7469/2020

W.P.(C) 2120/2020 & CM No.7475/2020

2. In the captioned writ petitions, the petitioners are aggrieved by the fact that they have been declared wilful defaulters by the Identification Committee without supplying the underlying documents.

3. Mr. Kirti Uppal, learned senior counsel, who appears for the petitioners, concedes that despite an opportunity have been given via a show cause notice issued in each of the captioned matters, no reply was filed.

4. Mr. Rajeeve Mehra, learned senior counsel, who appears for the respondent bank, says that in order to avoid prolonged litigation on issue concerning the procedure followed in declaring petitioners as wilful

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defaulters and in particular to avoid the pitfall of technical defences which the petitioners may take, he has instructions to convey the Court that the impugned orders be set aside with a direction to the Identification Committee to accord a de novo hearing in the matter.

5. Mr. Mehra further submits that all the documents which the respondent bank intends to rely upon will be furnished to the petitioners within one week from today. He also says that the Identification Committee will issue a notice fixing the date, time and venue of the hearing.

6. Given the aforesaid statement of Mr. Mehra, on instructions, the impugned orders are set aside.

6.1 The respondent bank will issue a written notice to the petitioners setting out the date, time and venue of the hearing.

6.2 Notice will be accompanied by the documents that the respondent bank wishes to rely upon.

6.3 Once the notice and the relied upon documents are served on the petitioners, the petitioners will have liberty to file its response and submits documents in rebuttal within one week thereafter.

6.4 The Identification Committee, after hearing the authorized representatives of the petitioners and perusing the material placed before it, will pass a speaking order; a copy of which will be furnished to the petitioners.

6.5 The entire exercise will be completed within four weeks from the date of receipt of a copy of this order.

7. I may make it clear that I have not ruled on merits of the matter before

me. It is also made clear that this order will not come in the way of any statutory authority investigating the matter further qua the petitioners.

8. The writ petitions are, accordingly, closed in terms of the aforementioned directions.

9. *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

FEBRUARY 25, 2020/pmc