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

+ W.P.(C) 4210/2020

DINESH KUMAR YADAV Petitioner
Through Mr. Sandeep Sethi Sr. Adv. with
Ms. Niyati Kohli and Ms. Aarushi Tikku Advs.

versus

STATE BANK OF INDIA Respondent
Through Mr. Neeraj Kishan Kaul, Sr. Adv. with
Mr. Bishwajit Dubey, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **15.07.2020**

This hearing is conducted through Video Conferencing.

CM Nos.15061-15062/2020

Exemption allowed, subject to all just exceptions.

W.P.(C) 4190/2020 & CM No.15060/2020

1. This Writ Petition is filed by the petitioner seeking an appropriate Writ for quashing the letter dated 7.6.2019 issued to petitioner by the respondent Bank. A similar direction is sought regarding a communication dated 2.7.2020.

2. The communication dated 7.6.2019 has been issued by the Deputy General Manager of the respondent/SBI Bank informing the petitioner that the loan account has been classified as a Non-Performing Asset. The letter also states that the Wilful Defaulter Identification Committee of the Bank

has examined the conduct of the account and utilisation of credit facilities and has concluded that the acts/events of wilful default as detailed in the enclosed Annexure(s) have been committed by the petitioner. Thereafter on 02.07.2020 another communication has been sent by the respondent Bank calling the petitioner for a hearing on 17.7.2020.

3. Learned senior counsel appearing for the petitioner has vehemently relied upon the Master Circular on Wilful Defaulters dated 1.7.2015 and Clauses 3(a) and (b) of the said circular read with judgment of Division Bench of this Court in LPA 479/2018 titled *IDBI Bank Limited vs. Ravi Prakash Goyal & Ors.* dated 15.1.2020 to contend that it was the Wilful Defaulter Identification Committee which was obliged to issue the show cause notice. However, instead the notice has been issued by an officer of respondent bank.

4. Learned senior counsel appearing for the respondent has, however, opposed the Writ Petition. He has pointed out that notices for personal hearing have been given to the petitioner way back on 10.12.2019, thereafter on 4.3.2020 and now finally on 2.7.2020. On earlier two occasions the petitioner for one reason or the other did not appear. It is further pleaded that this belated Writ Petition would not lie. He has also further submitted that the show cause notice dated 7.6.2019 issued by the concerned Deputy General Manager is merely communicating the decision of the Wilful Defaulter Identification Committee of the Bank to the petitioners which is permissible under law. Learned senior counsel for the respondent further on instructions states that the speaking order passed by the Wilful Defaulter

Identification Committee shall be handed over to the petitioner within two days from today.

5. As the order of the said committee is being given to the petitioner on receipt of the said communication, let the petitioner attend the personal hearing scheduled on 17.7.2020. This direction is passed without prejudice to all the rights and contentions of the parties.

6. At this stage, learned senior counsel for the petitioner states that there are certain documents mentioned in the annexure to the show cause notice dated 7.6.2019. He submits that the petitioner has sought copies of these documents from the respondent bank and same are not being provided to the petitioner.

7. Let the petitioner make these requests before the Wilful Defaulter Identification Committee in the course of the personal hearing. In case such a request is made the committee is requested to deal with the said request, as per law.

8. Nothing further survives in the present Writ Petition. I may only add that the respondent committee shall comply with clauses 3 (b) and (c) of the Master Circular dated 01.07.2015 in letter and spirit.

9. Petition is accordingly disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

JULY 15, 2020/n