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

\+ W.P.(C) 9158/2019 & CM APPL. 37826/2019

S. S BHASIN AND ANR. ..... Petitioners

Through Mr. Abhimanyu Bhandari, Mr. Aarush Bhatia and Mr. Sanchit Gawri, Advs.

versus

PUNJAB AND SIND BANK AND ANR. ..... Respondents

Through Mr. Rajinder Wali, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

<u>O R D E R</u>

% 29.01.2020

1. The substantive prayers made in the writ petition are as follows:

> "*a) quash the Impugned Publication issued by the Respondent No.l declaring the Petitioners as Wilful Defaulters;*
> *b) pass an Order thereby directing the Respondent No.l to withdraw the name of the Petitioners as Wilful Defaulters on the List of Wilful*
> *Defaulters published on the official website of the Respondent No. 1;*
> *c) call for the records of the loan accounts maintained with the Respondent No.l in the name of the Petitioners or Bhasin lnfotech and Infrastructure Private Limited;*
> *d) hold that in view of the Master Circular, dated 01.07.2013 &01.07.2015, issued by the Respondent No.2 the Petitioners do not fall under the category of Wilful Defaulters;*

2. Notice in this petition was issued on 17.10.2019.

3. Mr. Wali had accepted notice on behalf of respondent No.1 bank on that date.

4. Despite opportunity being given to file a counter-affidavit in

the matter, no counter-affidavit has been filed on behalf of respondent No.1 bank.

5. Mr. Wali draws my attention to the impugned public notice dated 30.5.2019.

6. Based on the public notice and the proceedings of the review committee of 28.9.2016, Mr. Wali says that only the company in which petitioners were directors was declared a wilful defaulter.

7. To be noted, the concerned company goes by the name Bhasin Infotech and Infrastructure Pvt. Ltd.(BIIPL).

8. It is Mr. Wali's contention that the impugned publication was made as the petitioners managed the affairs of BIIPL in their capacity as its directors.

9. Furthermore, Mr. Wali says that the petitioners are also the guarantors of the debt owed by BIIPL to the respondent No.1 bank.

10. Today, on my board, the writ petition filed by BIIPL company is also listed as item no.19. This writ petition is numbered as W.P.(C) 9156/2019.

11. The said writ petition has been disposed of, *inter alia*, by giving liberty to BIIPL to file a representation with the Review Committee against the order dated 28.9.2016, passed by the Identification Committee whereby it has been declared a wilful defaulter.

12. I have also, as indicated in the very same order, that pending the consideration of BIIPL's representation the order dated 28.9.2016 will be kept in abeyance.

13. Given what has been articulated before me by Mr. Wali, it is quite clear that the impugned publication is a consequential step that respondent No.1 bank took after declaring BIIPL a wilful defaulter.

14. Since BIIPL has been given liberty to contest the order of the Identification Committee before the Review Committee and the order dated 28.9.2016 has been kept in abeyance till deliberations are completed by the Review Committee, respondent No.1 bank will indicate against the Impugned Public notice that the order dated 28.9.2016 has been kept in abeyance pending its consideration by the Review Committee.

15. Needless to add, if the Review Committee affirms the view taken by the Identification Committee, the respondent No.1 bank would be free to take consequential steps, *albeit*, in accordance with the law.

16. Resultantly, pending application shall stand closed.

RAJIV SHAKDHER, J

JANUARY 29, 2020
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