

**IN THE HIGH COURT OF PUJAB & HARYANA AT
CHANDIGARH.**

CWP-16399-2021(O&M)

Date of Decision:-23.09.2021

Rajesh Jain & Anr.

.....Petitioners.

Versus

Canara Bank & Anr.

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Manish Jain, Advocate for the Petitioners.

Mr. Gaurav Goel, Advocate for Respondent No.1-Canara Bank.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

JASWANT SINGH, J.(ORAL)

Two petitioners-Rajesh Jain and Vijay Jain claims themselves to be Ex-Directors of M/s Laxmi Precision Screws Limited, who were facing recovery proceedings by the lending banks including the Canara Bank. The challenge in the present petition is to the two notices of even date i.e. 09.08.2021 (P-1 & P-2) whereby they have been declared as willful defaulters being Directors of the aforesaid company.

It was asserted that the Identification Committee before classifying the two petitioners as willful defaulters has not followed the principles of natural justice as per procedure mandated under Clause(3) of

the Master Circular dated 01.07.2015 issued by the RBI relating to willful defaulters.

The respondent-bank through Mr. Gaurav Goel, Advocate have filed CM-14138-2021 for placing on record the E-Mails dated 15.09.2021 and 20.09.2021 (**R-1** & **R-2**) whereby it has been decided that the competent authority i.e. the Identification Committee has decided to accord an opportunity of personal hearing to the two petitioners before taking any action in terms of the aforesaid circular relating to the willful defaulters. Resultantly P-1 & P-2 stands withdrawn.

Aforesaid CM stands allowed and Annexures **R-1** & **R-2** are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

It has been agreed between the parties that in view of the contents of R-1 & R-2, nothing more survives for adjudication. The consequences of withdrawal of P-1 & P-2 obviously would ensue till any fresh orders are passed after following the procedure laid down under the SARFAESI Act, 2002.

In view of the above, present writ petition stands **disposed off**.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

September 23, 2021

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>