

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1102 OF 2022**

Avighna Yarns ...Petitioner
Versus
The Secretary, Ministry of Finance & Ors ...Respondents

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.03.07
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**Mr Yuvraj Narvankar, with Harsha Menon i/by Suraj Kaushik for
the Petitioner.**

Mr Niranjan Shimpi, for Respondent No.1.

Mr SB Gore, AGP, for State-Respondent No.2.

Mr SS Redekar, for Respondent No.4.

Mr Anand Poojari, i/b SI Joshi & Co for Respondent No.5

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**

DATED: 4th March 2022

PC:-

1. We are satisfied that there is no case made out for interference. Directly or indirectly, reliefs are sought against Respondent No.5, Shriram City Union Finance Limited, a private entity not amenable to our writ jurisdiction. Enforcement is sought of RBI's circulars at Exhibit 'E' but this is an order to ensure that the Petitioner is granted and can avail of certain finance concessions and a moratorium with a benefit of about Rs.3 Crores. The Petitioners' demand in that regard was rejected by Respondent No.5.

2. What is not demonstrated is that the Petitioners have a legal entitlement, which is non-discretionary, to such reliefs or that the Respondent No.5 — even assuming that it is amenable to writ jurisdiction, and which is very doubtful — is duty bound to grant that relief. If there is no such duty, there cannot be a question of demanding reasons for rejection. It is also not shown that the 1st Respondent, the Reserve Bank of India, can direct the 5th Respondent to exercise its discretion on the question of a concession or moratorium as demanded by the Petitioner.

3. The Petition is rejected. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)