



WEB COPY



W.P. No.15711 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. Nos.12993, 12994,12995, 15711,15712, & 15713 of 2018
and

WMP Nos.15259, 15260, 15261, 18664, 18666, & 18668 of 2018

W.P.No.12993 of 2018

M/s. Uma Shankar Traders,
Represented by its Partner,
Shri K.Paramasivam,
115, Bhavani Road,
Erode 638 004

... Petitioner

Vs

1. Reserve Bank of India,
RBI Main Building,
Fort, Mumbai – 400 001.

2. The South Indian Bank,
Rep by its General Manager,
T.S.No.16, Veterinary Hospital Road,
Opp. Old Baniyan Market,
Erode – 638 0011.
Head Office at
SIB House,
T.B.Road, P.B.No.28,
Thrissur -680 001.

... Respondents



W.P. No.15711 of 2018

Prayer in W.P.No.12993 of 2018 : Writ Petition filed under Article 226 of

the Constitution of India to issue a Writ of certiorarified mandamus, calling for records of the 2nd respondent dated 19.05.2018 in CDREC/GEN/RCP/074/2018-19, quash the same as arbitrary, illegal, opposed to principles of natural justice and consequently direct the second respondent to provide all documents sought for by petitioner in their letter dated 20.04.2018, permitting petitioner to be represented by a Lawyer and Auditor with assistant.

For petitioner
in all W.Ps

...

Mr. S.Ramesh

For respondents
in all W.P.S.

...

Mr. C. Mohan,
for M/s. King & Padridge
for R1

...

Mr. A.V.Radhakrishnan,
for R2

COMMON ORDER

All the writ petitions have been filed challenging the order passed by the 2nd respondent dated 19.05.2018 directing the petitioners to appear for personal hearing before the Committee for the purpose of declaring the petitioners as wilful defaulters.



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2. According to the petitioners, since the issue is relating to the accounts maintained by the Bank, they require the assistance of Advocate or Auditor Accountant to assist them during the enquiry. Apart from that, the petitioners requested to provide vital reports and documents. In the event of those documents required by the petitioner is provided to them, and permitted to take an Advocate or Chartered Accountant for enquiry, they will appear and raise their objections.

3. Heard both sides and perused the materials available on records carefully.

4. So far as the first request of the petitioners to engage an Advocate or Chartered Accountant to assist them in enquiry, this issue has been decided against the petitioner in another writ petition in W.P.No.8672 of 2018, dated 14.11.2019, wherein, this Court negated the petitioner's request. Hence, that request need not be considered once again.



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5. So far as the documents required by the petitioners, the petitioners sought for as many as 8 documents, out of which, document no.4 alone is entitled to and the remaining documents are no way related to the petitioners claim. Hence, the Bank is not under obligation to produce all the copies. However, the document required in Serial No.4 is the copies of documents relating to the petitioner's account placed by the Bank before the Committee.

6. Mr.A.V.Radhakrishnan, learned counsel appearing for the first respondent Bank submitted that the account details had already been provided to the petitioners.

7. Considering those circumstances, the petitioners are not entitled for any relief sought in the writ petitions and hence, all the writ petitions are liable to be dismissed.

8. Accordingly, all the Writ Petitions are dismissed. No costs. The



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2nd respondent is directed to issue a fresh notice to the petitioner for enquiry, On the date of enquiry, the petitioner is directed to appear and submit his objection, thereafter, the Committee is directed to pass suitable orders after giving personal hearings to the petitioner. Consequently, connected miscellaneous petitions are closed.

09.03.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
mrp

To

1. The Reserve Bank of India,
RBI Main Building,
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V. BHARATHIDASAN, J.

mrp

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and 15711,15712, 15713, of 2018

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