

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-26039-2017
Date of Decision: 14.12.2022**

SH. NAND KISHORE AGGARWAL

... Petitioner

VERSUS

UNION OF INDIA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. B.S. Makkar, Advocate and
Mr. Nitesh Jhahria, Advocate
for the petitioner.

None for respondent No.1.

Mr. Deepak Suri, Advocate
for respondents No.2 and 3.

Ms. Suman Jain, Advocate &
Mr. Rishabh Jain, Advocate
for respondents No.4 to 6.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Certiorari for quashing the letter dated 28.03.2017 (Annexure P-6) issued by the respondent No.3, whereby the request of the petitioner to exchange the Specified Bank Notes in his possession has been rejected.

Briefly summarized, the case of the petitioner, who is 85 years old citizen of Chandigarh, is that he was cheated by the accused person in connection with insurance policy of Kotak Life Insurance, regarding which a case FIR No.13 dated 11.01.2016 had been registered under Section 420 of the I.P.C. read with Section 66-D of the Information and Technology Act, 2000 at

Police Station Sector 26, Chandigarh. During investigation, two accused persons namely Harwinder and Ashwani Kumar were arrested by the police and currency notes worth Rs.1,50,000/- had been recovered from them. The said recovered currency notes were in possession of police when the demonetization was notified by the Central Government. Later on, the said currency notes were handed over to the petitioner in the month of March 2017. By that time, the period provided by the Central Government for exchanging the old currency notes had already elapsed. The details of the alleged currency notes, handed over to the petitioner by the police, are tabulated as under:

Sr. No.	Denominational Value	Number of Old Currency Notes	Amount
1.	1000	50	Rs.50,000/-
2.	500	200	Rs.1,00,000/-
		Total Amount	Rs.1,50,000/-

A request was thereafter submitted by the petitioner for exchanging of the said currency notes with the new currency notes in view of the terms contained in Communication dated 14.03.2017, however, the request of the petitioner was declined by the respondents.

Learned counsel for the respondent No.3 – Reserve Bank of India has submitted that the case of the petitioner is covered in his favour by virtue of a Division Bench Judgment of this High Court bearing CWP-11339-2017 titled as ‘State Bank of India Vs. Union of India and others’ decided on 12.07.2017 as well as the order passed by this Court in CWP-7200 of 2017 titled as ‘Nitin Modi Vs. Union of India and others’ decided on 06.09.2022. He fairly concedes that in view of the relief having been granted by virtue of

directions contained in the above mentioned orders/judgments, the present petition can also be disposed of.

The relief granted by this Court in Nitin Modi's case (Supra) is reproduced hereinafter below:

“5. In view of above, the present writ petition is disposed of. The petitioner shall approach the respondents within a period of 04 weeks of the receipt of a certified copy of this order whereupon the respondents shall exchange the old demonetized currency notes with new currency notes subject to the petitioner fulfilling the terms and conditions mentioned above, within a period of 04 weeks of the petitioner approaching the respondents.”

Consequently, the present petition is allowed in terms of the order dated 06.09.2022 extracted herein above and passed in CWP-7200 of 2017.

14.12.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No