IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.12 OF 2022
IN
WRIT PETITION NO.907 OF 2021

Atcom Technologies Ltd ..Petitioner
Vs.
State Bank of India ..Respondent

Mr. Rahul Sarda a/w Mr. Chirag Sarawagi i/b Mr. Tushar Goradia for Petitioner.
Mr. Rakesh Singh a/w Ms Heena Shaikh i/b M. V. Kini & Co. for Respondent.

CORAM : K.R. SHRIRAM &
MADHAV J JAMDAR, JJ
DATED : 6th OCTOBER 2023

P.C. :

1 This review petition is seeking review of an order passed by this court on 7th April 2021. The short order reads as under:

> *"The Petition has been filed challenging the order date 30-06-2004 declaring the Petitioner as willful defaulter. The order is passed in the year 2004. The Petitioner has approached this Court in the year 2019.*
>
> *2. In the circumstances, the Petition suffers from gross delay and laches. We, therefore, are not inclined to entertain the Petition. It would be open for the Petitioner to pay outstanding amount to remove his name from the list of Willful Defaulters.*
>
> *3. The Petition to stand disposed of."*

2 Having considered the review petition, no case for intereference is made.

3 In fact, even the review petition exposes the gross delay and laches. We would add petitioner has been economical with Truth.

In ground (B) itself petitioner admits that petitioner received the first communication from respondent in respect of declaration of petitioner as a wilful defaulter vide Show Cause Notice dated 30th December 2011. In ground (C), petitioner admits that they responded to the notice dated 30th December 2011 vide communication dated 4th January 2012. But still petitioner lodged the writ petition only on 30th December 2019.

In ground (I), petitioner states that for the first time on 20th May 2017 respondent made a cursory remark that respondents are constituting petitioner as wilful defaulter. In view of what is stated in ground (B) and ground (C) what is averred in ground (I), exfacie is a false statement.

Even assuming that what is stated in ground (I) is correct that for the first time on 20th May 2017 petitioner was informed by respondent being constituted as wilful defaulter, still the petition was lodged only on 13th December 2019.

In ground (J) petitioner states that in the year 2018 when petitioner was asked by Bombay Stock Exchange at the time of removal of suspension of petitioner from Stock Exchange, petitioner approached this Court for justice and removal of the name from wilful defaulter tag as part of the procedure for getting the company's suspension removed by the stock exchange. Therefore, even though in 2018 petitioner came to know about the wilful defaulter tag, still petitioner lodged the writ petition only on 13th December 2019.

In ground (K), petitioner states that respondent again started the process of wilful defaulter in the year 2011 and again with no cause of action declared petitioner as wilful defaulter. Still the writ petition was lodged only on 13th December 2019.

4 Moreover, it is averred in the petition that during the period 2014 to 2018 petitioner was in the BIFR. Even at that stage, the Financial Institutions like respondent would have participated and certainly petitioner would have been aware that it has been declared as wilful defaulter.

5 Therefore, we see no reason to entertain the review petition. Petition dismissed.

6 Mr Singh is pressing for costs and says petitioner has not been discharging the debt. He is justified. Petitioner to pay within 4 weeks from today a sum of Rs.1 lakh as cost to respondent.

(MADHAV J JAMDAR, J.) **(K.R. SHRIRAM, J.)**