

2024.PHHC.140876



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

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CWP-8372-2022

Date of Decision: 24.10.2024

RAJ KUMAR

... Petitioner

VERSUS

RESERVE BANK OF INDIA AND OTHERS

... Respondents

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

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. Deepak Suri, Advocate and
Mr. Brij Sharma, Advocate
for respondent No.1-R.B.I.

Ms. Akshita Chauhan, DAG, Punjab
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing respondent No.1- Reserve Bank of India to exchange the currency notes of the petitioner as per the directions issued by the Addl. Sessions Judge, Amritsar vide his order dated 15.12.2020 as per Rule-2 of the specified Bank Notes (Cessation of Liabilities) Act, 2017, issued by the Ministry of Finance, Department of Economic Affairs, New Delhi.

Without going into the controversy involved in the present case, learned counsel for respondent No.1-Reserve Bank of India draws attention of this Court towards the averments contained in paragraph No.10 and 12 of the counter-affidavit filed by Shalini Jain, on behalf of the Reserve Bank of India.

The same are extracted as under:



“10. In terms of the above-mentioned Rule 2, SBNs which have been confiscated/seized by a law enforcement agency or produced before a court on or before the December 30, 2016, may be tendered by any person, who is a party in a case pending before that court and to whom these specified notes have been returned by the Court, at any office of the Reserve Bank for the purpose of exchange subject to fulfilment of the following conditions:

- (i) The serial numbers of such specified bank notes have been noted by the law enforcement agency which confiscated or produced them before the Court.*
- (ii) The serial numbers of such specified bank notes are mentioned in the direction of the Court.*

XXX XXX XXX XXX

12. It is most respectfully submitted that, in view of the provisions of the Specified Bank Notes (Deposit of Confiscated Notes) Rules, 2017 stated above, in case the petitioner approaches the answering respondent with a request to exchange the specified bank notes, subject to compliance of the requirements as stated in Para 10 of this affidavit, this answering respondent would be in a position to examine such request in accordance with the SBN Rules.”

Relying on the same, counsel for the respondent No.1- Reserve Bank of India contends that in the event of the petitioner approaching the Reserve Bank of India and complying with the requirements as specified in paragraph No.10 above, the claim of the petitioner would be examined in accordance with the SBN Rules and admissible benefits shall be extended to the petitioner.

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Counsel for the petitioner has no objection to the same. He, however, contends that the respondent No.1 may be directed to take decision in accordance with the SBN Rules expeditiously and in a time bound manner.

In view of the abovesaid consensus between the parties, the present writ petition is disposed of at this stage with the consent of the parties, without commenting on the merits any further and with liberty to the petitioner to approach respondent No.1- Reserve Bank of India for seeking exchange of his old demonetized currency notes; and in the event of the petitioner approaching the respondent No.1-Reserve Bank of India for the said purpose and complying with the provisions as prescribed in paragraph No.10 as extracted above, the respondent No.1-Reserve Bank of India shall take a decision by passing a reasoned and speaking order as expeditiously as possible and preferably within a period of two months of the receipt of such request. In case the petitioner is found entitled to the relief under the SBN Rules, the necessary benefit shall be extended to him without any further delay.

Disposed of accordingly.

OCTOBER 24, 2024.*rajender***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No