



136

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34069-2024
Date of Decision: 17.12.2024

RCC INFRA VENTURES LTD.PETITIONER

VERSUS
RESERVE BANK OF INDIARESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Ms. Amrita Panda, Advocate and
Mr. Arjun Sheoran, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking a direction to the respondent to take action on the several complaints filed by it.

2. Learned counsel for the petitioner submits that the petitioner has filed several complaints with regard to action of DMI Finance Private Limited which is a non-banking finance company (for short 'NBFC') but RBI has not taken any action in any of those complaints.

3. Heard.

4. The petitioner is stated to be a borrower and had taken a loan from DMI Finance Private Limited for a sum of Rs.120 crores. Thereafter, the petitioner has made three complaints which were considered and decided by



the RBI Ombudsman under the Reserve Bank Integrated Ombudsman Scheme, 2021.

5. We are of the considered view that the petitioner who is a borrower by way of this petition is seeking to invoke this Court's writ jurisdiction for initiating a fishing and roving enquiry against the creditor and that too, without making the creditor a party in this petition and without substantiating the allegations. The complaints have already been addressed and considered by the RBI Ombudsman and held to be non-maintainable and were closed.

6. It is trite that the Court process or writ jurisdiction is not to be used as a fishing and roving enquiry against the other party. Reference can be made to the judgment of the Supreme Court in the case of '**A. Hamsaveni Vs. State of Tamil Nadu**' (1994) 6 SCC 51. The relevant extract of the same is reproduced hereunder:-

"The purpose of writ petition under Article 226 is not a fishing or roving enquiry. The petition can succeed only if the petitioners make out a case of violation of any fundamental right. But what is claimed is a chance to establish their claim."

7. Reference may be also made to another Supreme Court decision in '**Ratan Chandra Sammanta Vs. Union of India**' 1993 Supp (4) SCC 67. The relevant extract of the judgment is reproduced hereunder:-

"A writ is issued by this Court in favour of a person who has some right and not for the sake of roving enquiry leaving scope for manoeuvring".



Similarly, in ‘**Divine Retreat Centre Vs. State of Kerala and others**’, (2008) 3 SCC 542, the Supreme Court while referring to the scope of the powers of the High Court for directing initiation of criminal proceedings, observed as under:-

“Setting criminal law in motion is fraught with serious consequences, which cannot lightly be undertaken by the High Court even in exercise of its jurisdiction under Article 226 of the Constitution of India. In our view, the High Court in exercise of its whatsoever jurisdiction cannot direct investigation by constituting a special investigation team on the strength of anonymous petitions. The High Courts cannot be converted into station houses.”

8. Consequently, we do not find any good ground to exercise our writ jurisdiction and the petition is dismissed accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

17.12.2024
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Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No