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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 5655/2022

ASHWINI KUMAR UPADHYAY .....Petitioner

Through: Petitioner in person

versus

UNION OF INDIA & ORS .....Respondents

Through: Mr. Chetan Sharma, ASG and Mr. Ravi Prakash, GGSC with Mr. Saurabh Tripathi, Mr. Yatharth Shukla, Mr. Shubham Sharma, Mr. Farman Ali, Mr. Taha Yasim and Mr. Vikramaditya Singh, Advocates for UOI.
Mr. Atul Sharma, Mr. Ayush Srivastava and Mr. Snehashish Bhattacharya, Advocates for R-4/RBI.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

<u>O R D E R</u>

% **26.09.2024**

1. The present writ petition has been filed with the following prayers:-

> "***a)*** *direct the Centre to implement a "Uniform Banking Code for Foreign Exchange Transaction" and ensure that domestic tools like Real Time Gross Settlement (RTGS), National Electronic Funds Transfer (NEFT) and Instant Money Payment System (IMPS) shall not be used for depositing the foreign money, in order to control funding to Separatists Fundamentalists Naxals Maoists Terrorists Traitors Conversion Mafias and Radical Organizations like SIMI, PFI etc.;*
>
> ***b)*** *direct the Centre to ensure that every Foreign Exchange Transaction through Indian banks and foreign bank branches in India viz. HSBC,*

CTBC, AEBC, ICBC, JPMC, SMBC and Citibank etc. must have:

***I**. Name and Mobile Number of Depositor.*

***II**. International Money Transfer (IMT) and not RTGS, NEFT or IMPS.*

***III**. Name of Currency e.g., AUD (Australian Dollars), USD (US Dollars),*

***IV**. Exact Amount of foreign currency up to two decimal places.*

***V**. Conversion rate up to three decimal places (USD rate Rs. 73.570)…*”

2. Though the Reserve Bank of India has filed a detailed affidavit, yet the petitioner is not satisfied with the same. He states that a new Uniform Banking Code for Foreign Exchange Transactions should be implemented by the respondents to curb terrorist funding.

3. This Court is of the view that it has neither the wherewithal nor the expertise to prepare the Uniform Banking Code for Foreign Exchange Transactions.

4. Consequently, the present writ petition is disposed of with a direction to the Ministry of Finance to treat the present writ petition as a representation and to decide the same, after taking inputs from the Ministry of Home Affairs and the Reserve Bank of India, by way of a speaking order as expeditiously as possible.

5. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 26, 2024

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