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

+ **W.P.(C) 8613/2024**

MANISH JAIN

..... Petitioner

Through: **Ms. Purti Gupta and Ms. Henna George, Advocates**

versus

PUNJAB NATIONAL BANK

..... Respondent

Through: **Mr. Santosh Kumar Rout and Ms. Dharna Veragi, Advocates**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **19.06.2024**

CM APPL. 35291/2024(exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8613/2024 & CM APPL. 35290/2024 (STAY)

3. The present petition is filed under Articles 226/227 of the Constitution for quashing of communication dated 27.05.2024 passed by the respondent/PNB.
4. The respondent/PNB vide communication dated 27.05.2024 decided to classify the loan account of the petitioner as 'fraud' due to the reason of misappropriation and criminal breach of trust.
5. The counsel for the petitioner stated that the petitioner received only one notice dated 01.11.2023, which was replied vide reply dated 15.11.2023. It is further stated that the respondent/PNB did not supply the requisite documents along with the show-cause-notice dated 01.11.2023.



6. The counsel for the responded/PNB stated that the respondent had issued show-cause-notices dated 01.11.2023, 07.03.2024 and 22.03.2024 and the same have not been replied by the petitioner within the prescribed period and due to this reason, the respondent/PNB decided to classify the loan account of the petitioner as 'fraud' due the reason of misappropriation and criminal breach of trust vide impugned communication dated 27.05.2024.

7. The impugned communication dated 27.05.2024 reflects that the respondent/PNB has not considered the reply dated 15.11.2023 in response to the notice dated 01.11.2023. However, the counsel for the respondent/PNB stated that the reply dated 15.11.2023 was actually sent to the respondent on 17.11.2023.

8. The present petition is disposed of with the direction to the respondent/PNB to take appropriate decision after due consideration of reply dated 15.11.2023 filed in response to notice dated 01.11.2023 within 15 days in accordance with law.

9. Till then, the impugned communication dated 27.05.2024 shall remain in abeyance.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 19, 2024
N/AK