

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SAYALI
DEEPAK
UPASANI**

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UPASANI
Date: 2025.10.18
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WRIT PETITION NO. 4351 OF 2024

Gautam Mukarjee

...Petitioner

Versus

Union of India And Ors.

...Respondents

Mr. Aman Pawar a/w Mr. Raja Ratan Bhura i/b Taplegal, for
Petitioner.

Mr. Benny Joseph a/w Mr. Devendra Pawar, Mr. Usama
Shaikh, Ms. Shikha Dubey i/b BJ Law offices LLP, for
Respondent No.2-RBI.

**CORAM: M.S. Sonak &
Advait M. Sethna, JJ.**

DATED: 17 OCTOBER 2025

ORAL ORDER:- *(Per M.S. Sonak, J.)*

1. Heard Mr. Aman Pawar for the Petitioner and Mr. Benny Joseph, for the 2nd Respondent (RBI).

2. Rule. The Rule is made returnable immediately, given our order dated 03 October 2025. Our order of 03 October 2025 reads as follows :-

“1. Heard learned counsel for the parties.

2. The learned counsel for the Petitioner states that all Respondents have been served. Today, Mr Joseph appears for the 2nd Respondent (RBI) and submits that no relief is claimed against the RBI. He also points out that the main dispute is between the Petitioner and the

3rd Respondent i.e. Bank of Baroda. There is neither any appearance on behalf of the Bank of Baroda nor has any reply been filed.

3. Accordingly, we post this Petition for final disposal at the admission stage on 17 October 2025.

4. If any of the Respondents, including the 3rd Respondent, wishes to file the reply, then such reply should be filed and served upon the learned counsel for the Petitioner, latest by 13 October 2025. If no reply is filed, then we will proceed based on the averments in the Petition that the impugned order declaring the Petitioner as a willful defaulter was made without affording him an opportunity of hearing.

5. Accordingly, stand over to 17 October 2025 for final disposal at the admission stage.”

3. Despite service, the contesting Respondent No.3 is not represented today by any counsel or authorized representative. Since notice for final disposal was already issued, we proceed to dispose of the Rule finally.

4. The Petitioner challenges the orders dated 12 June 2020 and the Review Committee's order declaring the Petitioner as a willful defaulter. The challenge is on the ground that there was a failure of natural justice and secondly, that the Petitioner was only an independent Director.

5. The Petitioner has pleaded that the show cause notice dated 10 June 2019 was never served upon the Petitioner. Such an averment has been made in the Petition and the 3rd Respondent has not bothered to file any reply to contest this averment. The Petitioner is stated to be 78 years old and was appointed only as an independent Director with Ess Dee Aluminum Limited (“EDAL”).

6. Mr. Pawar pointed out that even the Bank of Maharashtra had initiated proceedings to declare the Petitioner as a willful defaulter. However, upon noticing that the petitioner was only an independent Director, no such declaration was made by the Bank of Maharashtra. The above fact has been pleaded in the Petition and once again, there is no denial from the 3rd Respondent.

7. Given the above circumstances, we quash and set aside the orders, declaring or confirming the Petitioner as an willful defaulter. This will, however not preclude the Respondents from serving any show cause notice on the Petitioner at the address now indicated in the cause title of this Petition, and initiating fresh proceedings for declaring the Petitioner as a willful defaulter.

8. All defences of the Petitioner are, however left open. This is because we have mainly interfered with impugned orders on the grounds of failure of natural justice.

9. The Rule is made absolute in the above terms without any costs order.

10. All concerned to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J)