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

\+ W.P.(C) 39/2021, CM APPL. 9185/2021 & CM APPL. 14904/2021

G.S. DHINGRA .....Petitioner

Through: Mr. Ramchandra Madan, Mr. Tushar Nigam & Mr. Himanshu Yadav, Advocates.

versus

PUNJAB SIND BANK .....Respondent

Through: Mr. Rajinder Warli & Ms. Shivani Gupta, Advocates for R-1. (Through *video-conferencing*)
Mr. Anoop K. Kaushal, Advocate for R-2. (Through *video-conferencing*)

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

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

% 10.03.2026

1. The present writ petition has been filed by the petitioner seeking following reliefs:

> a) A Writ of Mandamus directing the Respondent to direct the respondents to proceed with the election process as per the calendar of events from the stage, at which, it is interrupted by notice vide Annexure dated 10.08.2020.
>
> a.2) A Writ of Mandamus setting aside any election process conducted, during the pendency of the present writ petition, as also any appointment or election made to the contested posts therein.
>
> a.3) A Writ of Mandamus setting aside the election process and the deemed election of Mr. Tirath Raj Mendiratta dated 11.05.2021.
>
> b) Pass any other order or direction that this Hon'ble Court may deem just and proper in the facts and circumstances of this case.

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2. The brief facts necessary for deciding the present petition are as follows:

2.1. The respondent no.1 is a Public Sector Bank governed by the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and the Punjab & Sind Bank (Shares & Meetings) Regulations, 2008. Under Section 9(3)(i) of the said Act, the Board of Directors of the Bank is required to include directors elected by the shareholders other than the Central Government.

2.2. Two such posts of shareholder-elected directors fell vacant on 30th June 2020. Consequently, the respondent no.1 Bank issued a notice dated 17th July 2020 convening the 10th Annual General Meeting of the shareholders to be held on 11th August 2020, inter alia, to elect two directors from amongst the shareholders of the Bank. The notice also provided for remote e-voting, which was scheduled to take place between 8th August 2020 and 10th August 2020.

2.3. The petitioner submitted his nomination for the said election and, upon scrutiny, was declared eligible to contest the election in terms of the 'Fit and Proper' criteria prescribed by the Reserve Bank of India.

2.4. The voting process commenced on 8th August 2020 as per the schedule. However, on the last day of voting, *i.e.* 10th August 2020, the respondent no.1 Bank issued a communication to the stock exchanges (BSE/NSE) informing that the Agenda Item relating to the election of shareholder directors had been withdrawn, thereby cancelling the election process.

2.5. The aforesaid decision was taken abruptly and without any notice to the candidates or the shareholders. The petitioner addressed

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representations dated 10th August 2020 and 17th August 2020 seeking clarification from the respondent no.1 Bank and requesting that the election process be completed. The petitioner also issued a legal notice dated 31st August 2020 to the respondent no.1 Bank.

2.6. In reply dated 29th September 2020, the respondent no.1 Bank stated that certain complaints had been received regarding the eligibility of candidates and therefore the Agenda Item relating to the election had been withdrawn.

2.7. Aggrieved by the aforesaid action, the present writ petition came to be filed.

3. The grievance of the petitioner is that the elections which were scheduled on the said dates were wrongfully cancelled, without any notice, by way of a board note and a draft resolution.

4. In the order passed by this Court on 19th April, 2021, the Court took note of the fresh elections held for the post of Shareholder Appointed Directors, scheduled for 17th May, 2021 and directed that any election which will be held during the pendency of the present petition would be subject to the result of the present writ petition. Further, the respondent no.1 Bank was directed to ensure that the records relating to the election of the year 2020 be preserved.

5. It appears that a new Shareholder Appointed Director was appointed in the year 2021. The term of the said office was for a period of three (3) years.

6. Subsequently, the person so elected as the Shareholder Appointed Director was impleaded as a respondent in the present petition on 27th July, 2023.

7. It appears that the fresh elections were held once again on 1st June, 2024

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and yet another person has been elected to the aforesaid post.

8. It is a matter of record that the petitioner could not contest the aforesaid elections as the respondent no.1 Bank took a view that the petitioner, being a former employee of the respondent no.1 Bank, is ineligible to contest.

9. Mr. Ramchandra Madan, counsel appearing on behalf of the petitioner, submits that the said interpretation taken by the Bank is erroneous and in the past, there have been other employees who have contested the said elections, despite being former employees of the Bank and the said persons have also been elected.

10. Having heard counsel for the parties, it appears much water has flown under the bridge since the present writ petition was filed in the year 2021 and two subsequent elections have since been conducted in the years 2021 and 2024. Therefore, the reliefs sought in the present petition cannot be granted at this stage.

11. Accordingly, the present writ petition is disposed of while leaving it open for the petitioner to take other appropriate remedies as may be available in law, in respect of his surviving grievances, including a claim for damages.

12. Needless to state that all contentions and legal pleas taken in the present petition remain open.

13. In the event the petitioner files legal proceedings claiming damages, the Trial Court shall consider the aspect of pendency of the present writ petition, while considering the issue of limitation.

AMIT BANSAL, J

MARCH 10, 2026
at

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