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

+ **W.P.(C) 13819/2021 & CM APPL. 43613/2021**

STATE BANK OF INDIA & ANR.

.....Petitioners

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Sanjay Kapur, Mr. Surya Prakash
& Ms. Smruthi Santha, Advs.

versus

SHRI SUNDER LAL BHATTI & ANR.

.....Respondents

Through: Mr Anuj P. Agarwal, Mr Gaurav
Verma and Mr Vipul Singh, Advs.
Mr. T.P. Singh, Adv. for R-2.

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HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

27.02.2026

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1. The petition is for setting aside 'Minutes of Hearing' dated 05.10.2021 issued by the respondent no. 2-National Commission for Scheduled Castes (NCSC) passed upon a representation filed by respondent no. 1. On the basis of the said minutes dated 05.10.2021, the NCSC has issued communication dated 21.10.2021 summoning the Chairman of the petitioner-bank.

2. Respondent no. 1, seems to have been an employee of the petitioner-bank, and as per the recommendations of the Central Vigilance Commission (CVC), disciplinary proceedings have been initiated by the petitioner-bank. The representation filed by him before the NCSC, was pursuant to the said proceedings. By way of the impugned 'minutes of hearing', the recommendation of the CVC has also been directed to be put on hold.

3. Mr. Dayan Krishnan, learned senior counsel appearing for the



petitioner points out from various decisions of the Supreme Court and of this Court that the nature of the enquiry that the NCSC has undertaken completely falls outside the scope of its power. He further submits that in any case the NCSC could not have passed any interim order as has been reaffirmed by the Supreme Court.

4. The submission made by Mr. Dayan Krishnan are strongly opposed by Mr Anuj P. Agarwal who appears for respondent no. 1 and Mr. T.P. Singh, learned counsel who appears for NCSC.

5. To deal with second issue that is with respect to the summoning of the officers of the petitioner is concerned, this Court in the case ***Phonepe Insurance Broking Service Pvt. Ltd. & Anr. vs. National Commission for Scheduled Castes & Ors.***¹ in has held as under:

“10. At this stage, it is pertinent to take note of the decision of the Supreme Court in The State of Uttar Pradesh & Ors. vs. Manoj Kumar Sharma. The relevant paragraphs of the aforementioned decision are extracted:

17. A practice has developed in certain High Courts to call officers at the drop of a hat and to exert direct or indirect pressure. The line of separation of powers between Judiciary and Executive is sought to be crossed by summoning the officers and in a way pressurizing them to pass an order as per the whims and fancies of the Court.

18. The public officers of the Executive are also performing their duties as the third limbs of the governance. The actions or decisions by the officers are not to benefit them, but as a custodian of public funds and in the interest of administration, some decisions are bound to be taken. It is always open to the High Court to set aside the decision which does not meet the test of judicial review but summoning of officers frequently is

¹ 2026:DHC:1559



not appreciable at all. The same is liable to be condemned in the strongest words.

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20. Thus, we feel, it is time to reiterate that public officers should not be called to court unnecessarily. The dignity and majesty of the Court is not enhanced when an officer is called to court. Respect to the court has to be commanded and not demanded and the same is not enhanced by calling public officers. The presence of public officer comes at the cost of other official engagement demanding their attention. Sometimes, the officers even have to travel long distance. Therefore, summoning of the officer is against the public interest as many important tasks entrusted to him gets delayed, creating extra burden on the officer or delaying the decisions awaiting his opinion. The Court proceedings also take time, as there is no mechanism of fixed time hearing in Courts as of now. The Courts have the power of pen which is more effective than the presence of an officer in Court. If any particular issue arises for consideration before the Court and the Advocate representing the State is not able to answer, it is advised to write such doubt in the order and give time to the State or its officers to respond.

11. Though the directions of the Supreme Court are applicable qua public officers, however, the underlining principle can be made applicable to personal appearance of other organizations as well. Unless the personal appearance is the only available recourse, the same should not be resorted to. Insistence for the personal appearance ought not to be made routinely, particularly, where the concerned party has evinced a bona fide intention to cooperate with the proceedings and comply with the directions issued. Resort to coercive measures, in the absence of deliberate non-compliance, would be unwarranted and is not in consonance with the settled principles governing the exercise of such power.”

6. In view of the aforesaid facts and circumstances, placing on record the petitioner-bank’s assurance that it will fully cooperate with the NCSC in the



inquiry, the Court deems it appropriate to set aside the impugned communication dated 21.10.2021.

7. With respect to the second argument made by Mr. Mr. Dayan Krishnan, learned senior counsel that the NCSC does not have the power to pass an interim order, the Court finds that *vide* order dated 06.12.2021, this Court has already stayed operation of the order dated 05.09.2021. It is there seen that the interim order passed by the commission which is under challenge the instant petition has not been given effect to for a period of five years. The interim order passed by this Court dated 06.10.2021 stands confirmed.

8. With respect to the other submissions, that the NCSC does not have any authority to enquire to the kinds of complaints as contained in the representation filed by respondent no. 1, all those aspects can be looked into by the NCSC. The NCSC shall be at liberty to pass appropriate orders.

9. The petitioner is directed to apprise the representative who shall appear before the NCSC. All rights and contentions of the parties are left open.

10. Accordingly, the petition, along with pending applications, if any, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 27, 2026
NG/AMG