



2026:DHC:2641



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16057/2022 & CM APPL. 50110/2022**

Date of Decision: **19.03.2026**

IN THE MATTER OF:

STATE BANK OF INDIA

.....Petitioner

Through: **Mr. Rajiv Kapur, Ms. Riya Sood, Advocates.**

versus

THE NATIONAL COMMISSION FOR SCHEDULED CASTES ANR

.....Respondent

Through: **Ms Pratima N Lakra, CGSC for respondent no. 1**
Mr Farman Ali CGSC, Ms Usha Jamnal, Advocate.
Ms. Sangeeta Chandra and Ms. Nidhi Garg, Advocates for respondent no. 2
Mr. T. P. Singh, Sr. Central Govt. Counsel.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside order dated 23.03.2022 passed

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by the National Commission of Scheduled Castes (NCSC). *Vide* the said order, the NCSC has passed various directions with respect to a dispute between the petitioner and respondent no. 2 arising out of a loan availed by the latter from the former.

2. A perusal of the impugned order indicates that respondent no. 2 had filed a complaint before the NCSC assailing the action taken by the petitioner towards recovery of dues with respect to the said loan. In the impugned order, the NCSC has recommended the following action:

- i. Registration of an F.I.R against the recovery agent by the concerned police officials.
 - ii. Investigation into the matter by the Director General of Police, Odisha
 - iii. Settlement of the dispute amicably upon payment of an amount of Rs. 5,00,000/- (Rupees Five Lakh only) by respondent no. 2 to the petitioner.
3. Paragraph no. 3 of the impugned order, wherein the aforesaid directions are contained, is reproduced below, for reference:

“3. After hearing both the party in detailed the Commission observed that petitioner proposed the amount to settle the Loan which was not considered by Bank. The Commission recommends the concerned police authority to file FIR against the Recovery Agent i.e SS Associates and DGP Orissa shall investigate the remaining Tippers. Furthermore Commission recommends both the parties to settle the dispute amicably and recommends the petitioner to deposit 5 lakh rupees as settlement amount to Bank. The Commission also recommends the concerned authority of bank to immediately release the mortgage property of the petitioner, The Commission advised concerned authority of Bank and police to ensure the presence of Recovery Agent i.e. SS Associate on the next date of hearing”



4. Learned counsel appearing for the petitioner, while placing reliance on the decisions of the Supreme Court in *State of Uttar Pradesh v. Jasvir Singh*,¹ and of this Court in *the National Seed Corporation Ltd. v. the National Commission of ST and SC*,² *Central Bank of India v. Sh Sohan Kumar*,³ and *Oriental Insurance Company Ltd. v. UOI*,⁴ submits that the NCSC does not have jurisdiction to adjudicate commercial aspects of the dispute and therefore, ought not to have looked into the same. According to him, the NCSC in passing the impugned order, has transgressed its powers envisaged under Article 338 of the Constitution of India.

5. The aforesaid submissions are strongly opposed by the learned counsel appearing for respondent no. 1 and 2. Mr. T.P. Singh, learned counsel who appears for respondent no. 1, points out from the Rules of Procedures of the National Commission for Schedule Castes, 2009 (Rules) framed under Article 338(4) of the Constitution of India, that the NCSC is fully empowered to conduct investigation/enquiry, when the property, service, or employment of Scheduled Casts and other related matters are under immediate threat. The relevant Rule which is pressed into service by respondent no. 1 is extracted below, for reference:

“7.2(a)(vii). Where the property, service/employment of Scheduled Castes and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of telex/fax to the concerned authority for making it known to them that the Commission is seized of the

¹ (2011) 4 SCC 288

² 2013 SCC Online Del 222934

³ 2025:DHC:8973

⁴ 2018 SCC Del 10387



issue and that authority will be prohibited to take any action till the completion of the enquiry in the matter by the NCSC. Urgent reply by telegram or fax shall be called from the concerned authority. In case no reply is received within three working days, the authority concerned may be required to appear before the Commission at a three days notice for enquiry.”

6. At this point, learned counsel appearing for the petitioner also places reliance on Rule 7.4.1(f) of the Rules which reads as under:

“Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.”

7. Ms. Sangeeta Chandra, learned counsel for the respondent no. 2, submits that there were more than one complaint filed against the petitioner and if the same are perused in the right perspective, they would indicate allegations of deprivation of benefits to the complainant owing to her caste background. Therefore, according to her, the NCSC was fully empowered to pass the impugned directions.

8. However, the Court finds that the impugned order does not indicate how the directions/recommendations contained in the impugned order are in furtherance of the powers of the NCSC under Article 338 of the Constitution. It appears that the NCSC has attempted to amicably resolve the underlying commercial dispute between the petitioner and respondent no. 2. If the NCSC was of the opinion that respondent no. 2 was entitled to certain benefits with respect to the loan and the same was being denied to her by the petitioner on account of her caste, the position would have been different. However, the said finding is not reflected in the impugned order.

9. The NCSC, therefore, would not have the jurisdiction where the



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transaction in question is *simpliciter* of commercial nature. It ought not to have exercised its powers unless the transaction/dispute had some element of harassment/deprivation of rights of a person belonging to a Scheduled Caste or other related issues. It be also noted that the impugned order has been stayed by this Court *vide* order dated 10.11.2022. Thereafter, the matter has not progressed.

10. In view of the aforesaid, the impugned order is, hereby, set aside and the matter is restored to the NCSC to relook into the complaint of respondent no. 2 and reconsider the same in view of the observations made herein.

11. The petitioner undertakes to authorize a representative who shall appear on its behalf before the NCSC. In view thereof, the personal appearance of the Chairman or any other higher officer is exempted, unless the same is specifically directed by the NCSC for a valid reason.

12. Accordingly, the writ petition stands disposed of. Pending applications, if any, also stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

MARCH 19, 2026/ar/amg