

26 CC NI ACT / 5566/2026 TATA CAPITAL LIMITED Vs. GULAB GULAB  
29 CC NI ACT / 5569/2026 TATA CAPITAL LIMITED Vs. DEEPAK GUPTA  
30 CC NI ACT / 5570/2026 TATA CAPITAL LIMITED Vs. VIKRAM SINGH  
31 CC NI ACT / 5571/2026 TATA CAPITAL LIMITED Vs. DIPANKAR ROY  
33 CC NI ACT / 5573/2026 TATA CAPITAL LIMITED Vs. GAUTAM MISHRA  
35 CC NI ACT / 5575/2026 TATA CAPITAL LIMITED Vs. JAYVEER SHARMA  
36 CC NI ACT / 5576/2026 TATA CAPITAL LIMITED Vs. HARIOM YADAV  
37 CC NI ACT / 5577/2026 TATA CAPITAL LIMITED Vs. DEEPAK KUMAR  
38 CC NI ACT / 5578/2026 TATA CAPITAL LIMITED Vs. AKHALESH AKHALESH  
39 CC NI ACT / 5579/2026 TATA CAPITAL LIMITED Vs. RAJESH YADAV  
40 CC NI ACT / 5580/2026 TATA CAPITAL LIMITED Vs. KHIMA NAND  
52 CC NI ACT / 5592/2026 TATA CAPITAL LIMITED Vs. KAMLESH MEHTA  
53 CC NI ACT / 5593/2026 TATA CAPITAL LIMITED Vs. RAGHAVENDRA PRASAD YALAMARTHY  
54 CC NI ACT / 5594/2026 TATA CAPITAL LIMITED Vs. SACHIN MALIK  
55 CC NI ACT / 5595/2026 TATA CAPITAL LIMITED Vs. MADAN CHUDHARY

05.05.2026

**Fresh case received by way of assignment. It be checked and registered.**

Present: Ms. Manisha, Ld. Counsel for the Complainant.

Perusal of complaint shows that the present matter has been filed after 01.07.2024 and the same falls under Bhartiya Nagarik Suraksha Adhiniyam, 2023 (BNSS). As per Proviso 1 to Section 223 of BNSS, it is mandatory to hear the proposed accused before taking cognizance. However, in light of the judgment of the Hon'ble Supreme court in '*Sanjabij Tari Vs. Kishore S Borcar*', 2025 INSC 1158, the requirement of hearing the accused on the point of cognizance is dispensed with.

Accordingly, arguments on cognizance and summoning heard on behalf of complainant.

I have gone through the entire record including the complaint and the documents. It is alleged that accused has executed the ECS Mandate in question in favour of the complainant to discharge his liability which got dishonored due to insufficient funds. Therefore, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment as per provisions of law.

The counsel for the complainant submits that dictum of "**A. C. Narayanan Vs. State of Maharashtra & Anr.**" (2014) 11 SCC 790 is also applicable to complaints u/s 25 of Payment and Settlement Act, 2007.

In the aforesaid judgment, Hon'ble Supreme Court of India has held that "...it is a matter of discretion and the Magistrate is not bound to call upon the complainant to remain present before the court and to examine him upon oath for taking decision whether or not to issue process on the complaint under Section 138 of the NI Act. For the purpose of issuing process under Section 200 of the Code, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the NI Act..."

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant for purpose of issuance of process. In view of complaint, documents produced and verification in the form of affidavit of evidence,

there are sufficient grounds for proceeding further against accused person(s) for offence punishable u/s 25 of Payment and Settlement Act, 2007.

**Hence, accused/s be summoned through all permissible modes (including dasti) for offence u/s 25 of Payment and Settlement Act, 2007 on filing of PF/RC within one month.** In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation.

Put up for appearance of accused on 16.02.2027.

(Arvind Tomar)  
JMFC (NI ACT)-07 (Central)/THC  
05.05.2026