$~73

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

\+ W.P.(C) 4752/2025

ZYNC GLOBAL PRIVATE LIMITED .....Petitioner

Through: Mr. Manohar Malik, Adv.

versus

PUNJAB NATIONAL BANK .....Respondent

Through: Dr. Surender Singh Hooda, Adv.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% **16.04.2025**

CM APPL. 21785/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 4752/2025 & CM APPL. 21784/2025

3. The present petition has been filed seeking following relief:

> "*a) set aside the impugned order dated 16.10.2024 passed by the Respondent Bank categorising the account of the Petitioner Company and its directors/ promotors and guarantors as fraud as the same is illegal, arbitrary, unconstitutional, and/or;*"

4. Mr. Manohar Malik, the learned counsel appearing on behalf of the petitioner invites attention of the Court to the show cause notice dated 18.11.2023 to contend that in the said show cause notice, DFS/MOF letter dated 18.12.2018 and letter from the Income Tax Department dated

13.12.2018 have been referred to, however, the said letters were not furnished to the present petitioner alongwith the show cause notice.

5. He submits that the impugned order dated 16.10.2024 *vide* which the petitioner's account was declared as "FRAUD" again refers to various documents in the findings. The relevant findings reads thus:

> *"In the said order of Commissioner of Income Tax (Appeals)-IV dated 07.01.2019 issues only related to Income Tax, for assessment years 2013-14 and 2014-15 have been discussed and issues related to creditors/banks has not been addressed. Therefore, borrower plea that Income Tax Deptt. action has been set aside by appellate authority are not maintainable in our case."*

6. He submits that the aforesaid documents which have been referred to in the findings were also not furnished to the petitioner with the show cause notice.

7. He further submits that before passing the impugned order dated 16.10.2024, the petitioner was not afforded any personal hearing in terms of the decision of the Hon'ble Supreme Court in ***State Bank of India & Others vs. Rajesh Aggarwal & Others, (2023) 6 SCC 1.***

8. He contends that the account of the petitioner was declared as "FRAUD" prior to the passing of the impugned order in as much as the name of the petitioner company was uploaded on the website of the RBI prior to the passing of the said order, which shows that the impugned order was pre-meditated.

9. In view of the above, issue notice. Dr. Surender Singh Hooda, the learned counsel appearing on behalf of the respondent/bank accepts notice.

10. Let counter affidavit be filed within a period of two weeks.

11. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

12. Re-notify on 22.07.2025.

13. In the meanwhile, having regard to the submissions made by the learned counsel for the petitioner which *prima facie* appears to have substance, it is directed that the impugned order dated 16.10.2024 shall not be given effect till the next date of hearing.

VIKAS MAHAJAN, J

APRIL 16, 2025
N.S.ASWAL