$~25

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

\+ W.P.(C) 5809/2020 & CM APPLs. 21017/2020, 4403/2021 &. 4404/2021

VALUE LINE INTERIORS PRIVATE LIMITED ..... Petitioner

Through: Mr. Namit Suri, Ms. Purnima Singh & Mr. Arjun Kaushal, Advocates

Versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. Ramesh Babu, Ms. Manisha Singh & Ms. Tanya Chowdhary, Advocates for RBI
Mr. Santosh Kumar Rout, Mr. Abhishek Chakrabarty & Mr. Pawan Kumar Dhiman, Advocates for respondent No. 3
Mr. Neeraj Yadav & Mr. Ashwini Chawla, Advocates for respondent No. 4

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **27.03.2023**

1. Learned counsel appearing on behalf of the petitioner while drawing the attention of this Court to the order dated 18.04.2022 submits that this Court has already recorded *prima facie* finding that officials of respondent No.4 with respondent Nos.5 & 6 are in connivance. According to him, the said order has not been assailed and, therefore, unless the contrary is shown by the respondents, the tentative view expressed by this court attains finality.

2. Learned counsel appearing on behalf of respondent No. 4 has filed affidavit in compliance of the order dated 23.11.2022 and submits that *prima*

facie view recorded by this court needs to be considered in view of the pleadings made by the Bank. He further submits that there is no reason to conclude that any of the officials of the Bank are in connivance with the private people and the Bank has strictly followed the RBI Circular. He also submits that admittedly the last date for submission of the cheque was 19.05.2022 and the cheque in question was submitted at 9:03 p.m. He, therefore, submits that once the cheque was submitted after closure of the prescribed 'window', the action of the Bank cannot be found erroneous.

3. Learned counsel for the petitioner further tries to explain that the case for interference is made out.

4. Be that as it may. Since both the parties rely on RBI Circular and under the facts of the present case, it is seen that the reply of RBI was filed prior to the counter affidavit filed by respondent No. 4.

5. In view of the aforesaid, let the RBI seek further instructions and to clarify the position with respect to the period of validity of the cheque and also the timings which are required to be adhered to by respondent-Bank in accepting the cheque.

6. List on 24th May, 2023.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 27, 2023
p'ma