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

\+ W.P.(C) 13351/2025 & CM APPL. 54719/2025

TUSHAR SHARMA .....Petitioner

Through: Mr. Yatharth Rohila, Mr. Aditya Gauri, Mr. Amar Vivek, Mr. Nihal Singh Shekhawat, Mr. Anant Jain and Mr. Kanak Kaushal, Advs.

versus

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

Through:

**CORAM:**
**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**O R D E R**

**%** **01.09.2025**

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

> *A. Issue a writ of mandamus or any other appropriate writ, order, or direction thereby directing Respondent Nos. 3 and 4 (Kotak Mahindra Bank and Yes Bank) to forthwith honour and process Cheque No. 049893, duly endorsed in favour of the Petitioner, in accordance with law; The said cheque is marked and annexed as annexure 3 ( Colly).*
> *B. Issue a writ of mandamus or any other appropriate writ, order, or direction thereby directing Respondent No. 2 (Reserve Bank of India) to forthwith issue binding circulars/notifications to all scheduled commercial banks mandating strict compliance with Section 56 of the Negotiable Instruments Act, 1881 and the binding ratio laid down in Dashrathbhai Trikambhai Patel u. Hitesh Mahendrabhai Patel, (2023) 1 SCC 578, as well as in Sympoh Marketing Put. Ltd. v. State & Anr., CRL.M.C. 8515/2024;*
> *C. Declare that the refusal on part of Respondent Nos. 3 and 4 to process the cheque post-endorsement is arbitrary, unlawful,*

*violative of statutory provisions, and contrary to binding judicial pronouncements;*

*D. Direct that the period of pendency of the present proceedings, including the proceedings before the Respondent Nos. 3 and 4 Banks and the Banking Ombudsman, be excluded from the computation of statutory limitation for issuance of notice and initiation of proceedings under Sections 138 and 141 of the NI Act against Respondent No. 5, so as to ensure that the Petitioner's substantive rights are not extinguished due to no fault of his;*

2. Mr. Yatharth Rohila, learned counsel for the petitioner submits that the petitioner received a cheque of Rs. 1.50 crores which was issued by Mr. Salman Khan/respondent no.5 on 17.07.2025. However, subsequently, the petitioner received a sum of Rs. 75 lacs from said Mr. Salman Khan and accordingly, the cheque was presented by the petitioner after making an endorsement on the reverse side of the cheque in terms of Section 56 of NI Act stating that the cheque is being presented for Rs. 75 lacs as the said amount is the due amount. He submits that the respondent bank is not honouring the said cheque.

3. He contends that the endorsement has been made by the petitioner in terms of the law laid down by the Hon'ble Supreme Court in ***Dashrathbhai Trikambhai Patel v. Hitesh Mahendrabhai Patel, (2023) 1 SCC 578***.

4. Mr. Rohila further submits that though the cheque was issued by the respondent no.5 but the relations of the petitioner are now strained.

5. He also invites attention of the Court to the cheque return memo to contend that the cheque has been returned with an endorsement "bank certificate ambiguous/incomplete/required".

6. He submits that since the cheque return memo did not mention that the cheque has been returned on account of insufficient funds or that the

amount of cheque exceeds the arrangement of the drawer with the drawee bank, in terms of the Section 138 NI Act, the petitioner cannot avail the remedy under Section 138 of NI Act. He, therefore, urges the time period within which a notice has to be issued by the payee of the cheque after receipt of information from the bank regarding dishonor of cheque, be kept in abeyance. This prayer of Mr. Rohila shall be considered after completion of pleadings.

7. Issue notice to the respondents by all permissible modes, returnable on 27.11.2025.

8. Let counter-affidavit be filed within a period of four weeks from the date of service. Rejoinder thereto, if any, be filed before the next date.

**VIKAS MAHAJAN, J**

**SEPTEMBER 1, 2025/dss**