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

% **Date of Decision: 03<sup>rd</sup> December, 2025**

+ W.P.(C) 18381/2025, CM APPL. 76110/2025 & CM APPL.  
76111/2025

IFCI VENTURE CAPITAL FUNDS LTD. ....Petitioner

Through: Mr. Nitin Dahiya, Adv. with Mr.  
Bhavishya Rawat, Adv. and Mr.  
Rohan Chaudhary, AGM

versus

NATIONAL COMMISSION FOR SCHEDULED TRIBES AND  
ORS. ....Respondents

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (ORAL):**

**CM APPL. 76111/2025 (For Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

**W.P.(C) 18381/2025 & CM APPL. 76110/2025**

3. The present matter has been received on transfer from the Court of HMJ Sachin Datta.
4. The present writ petition has been filed challenging the Notices dated 03<sup>rd</sup> October, 2025 and 26<sup>th</sup> November, 2025, issued by the National Commission for Scheduled Tribes ("NCST"), on the basis of complaints in



relation to a “purely commercial dispute” arising out of non-disbursement of a conditional sanctioned loan to respondent no. 2-Harleys India Private Limited (“HIPL”).

5. Learned counsel for the petitioner submits that petitioner provides concessional but re-payable financial assistance to eligible entities promoted by the Scheduled Tribe entrepreneur. Respondent no. 2-HIPL is a company promoted by a Scheduled Tribe entrepreneur, who applied under the Venture Capital Fund for Scheduled Tribes (“VCF-ST”) for financial assistance for a commercial project for manufacturing of bakery products and beverages in the leased premises in *Telangana*.

6. It is submitted that the disbursement of funds is subject to completion of pre-disbursement conditions. However, on account of the fact that there was non-compliance by the respondent no. 2, and the respondent no. 2 has failed to furnish the requisite approvals, the loan to respondent no. 2 though approved, has not been disbursed till date.

7. It is submitted that despite its own non-compliance, respondent no. 2 has filed a complaint dated 24<sup>th</sup> September, 2025, before the respondent no. 1, i.e., NCST alleging delay and harassment by the petitioner. It is submitted that the said complaint only describes a purely commercial/monetary grievance, arising out of the conditional sanction and due-diligence process, and does not allege any deprivation of constitutional or statutory rights and safeguards of the promoters of the respondent no. 2, who belong to the Scheduled Tribes.

8. It is submitted that acting on the said complaint of respondent no. 2, the NCST has issued the Notice dated 03<sup>rd</sup> October, 2025, calling upon the



Managing Director of the petitioner to submit a factual report.

9. Accordingly, the petitioner filed a detailed reply dated 15<sup>th</sup> October, 2025. However, without dealing or referring to the petitioner's reply, NCST has issued a Sitting/Hearing Notice dated 26<sup>th</sup> November, 2025, with the NCST fixing a sitting for 05<sup>th</sup> December, 2025, and directing the personal appearance of the petitioner's Managing Director, along with all the original records pertaining to the case.

10. Learned counsel appearing for the petitioner submits that NCST has no jurisdiction to entertain or adjudicate a purely commercial dispute between a proposed beneficiary company, and a public financial institution.

11. It is submitted that this Court in a catena of judgments has held that a commission's role is essentially investigative and recommendatory in nature, and that mere commercial or contractual disputes fall outside its remit.

12. Thus, it is further submitted that insistence on the personal appearance of the petitioner's Managing Director is arbitrary and contrary to the law laid down by the Supreme Court, which cautions against routine summons to heads of institutions, and recognizes that such coercive measures are permissible only in rare and exceptional cases. Thus, the present writ petition has been filed.

13. Learned counsel appearing for the petitioner also relies upon the judgment pronounced by this Court in the case of ***Axis Bank Limited Versus National Commission for Scheduled Tribes and Others, 2025 SCC OnLine Del 6554***, to submit that the impugned Notices issued by respondent no. 1 ought to be stayed in the meanwhile.



14. Issue notice to the respondents by all modes, upon filing of Process Fee.
15. Let reply be filed within a period of four weeks, from today.
16. Rejoinder thereto, if any, be filed within two weeks, thereafter.
17. Perusal of the judgment in **Axis Bank Limited (Supra)**, as relied upon by the petitioner, clearly shows that the Supreme Court as well as the other Courts have deprecated the practice of Courts and Tribunals to issue summons to the Senior Officers of organizations without examining the necessity of requiring their personal presence. The relevant portions of the judgment are reproduced as under:

“xxx xxx xxx

**20. A coordinate Bench of this Court in State Bank of India v. National Commission for Scheduled Castes<sup>1</sup>, by placing reliance on judgment rendered by the Supreme Court in State of Uttar Pradesh v. Jasvir Singh, (2011) 4 SCC 288 has observed as under -**

*“4. It is apparent from the above that although, the Commission has the powers to summon and enforce the attendance of any person from any part of India and examining him on oath, the said powers are for the specific purpose of enquiring into a complaint or for taking evidence. Thus, the Commission needs to be circumspect while exercising those powers and ensure that the same are used only for the purpose of performing their functions.*

*5. Undisputedly, senior officers of the petitioner bank or for that matter any other organisation can be summoned by the Commission, provided that a need is felt for examining those officers for the purpose of enquiry. Such summons to senior most officers or heads of organisations cannot be issued as matter of routine without considering as to whether their presence is necessary for the inquiry/investigation.*

***6. The Supreme Court in several cases has deprecated the practice of Courts and other Tribunals to issue summons to senior officers without examining the necessity of requiring their presence. In the case of State of Uttar Pradesh v. Jasvir***



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**Singh: (2011) 4 SCC 288, the Supreme Court had, in the context of summoning of officers in writ petitions, observed as under:—**

*“16. The normal procedure in writ petitions is to hear the parties through their counsel who are instructed in the matter, and decide them by examining the pleadings/affidavit/evidence/documents/material. Where the Court seeks any information about the compliance with any of its directions, it is furnished by affidavits or reports supported by relevant documents. **Requiring the presence of the senior officers of the Government in court should be as a last resort, in rare and exceptional cases, where such presence is absolutely necessary, as for example, where it is necessary to seek assistance in explaining a complex policy or technical issues, which the counsel is not able to explain properly. The Court may also require personal attendance of the officers, where it finds that any officer is deliberately or with ulterior motives withholding any specific information required by the Court which he is legally bound to provide or has misrepresented or suppressed the correct position.**”*

xxx xxx xxx”

(Emphasis Supplied)

18. This Court notes that by way of the impugned Notice dated 26<sup>th</sup> November, 2025, the NCST has directed the Managing Director of the petitioner to appear in person, however, the said impugned Notice is bereft of any reasons necessitating the personal presence of the Managing Director.

19. Further, upon perusal of the pleadings on record, this Court is of the *prima facie* view that the various provisions with respect to The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (“Atrocities Act”) are not attracted, since the present case involves a purely commercial dispute with respect to obtaining of a loan.

20. In this regard, reference may be made to the judgment of this Court in the case of ***Oriental Insurance Company Limited Versus Union of India***



*and Others, 2018 SCC OnLine Del 10387*, wherein, it has been held that the Commission cannot act as a Court of law to adjudicate the dispute between the parties, which are in the nature of commercial disputes. The relevant portions of the said judgment, read as under:

“xxx xxx xxx

**8. This Court has, in a number of decisions, held that the Commission cannot act as a court of law to adjudicate the disputes between the parties. In the present case, the disputes are, essentially, in the nature of commercial disputes, which are wholly outside the scope of jurisdiction of the Commission.**

9. This Court in *Union of India v. National Commission for Scheduled Castes: W.P. (C) 2390/2012*, decided on 28.05.2014, had observed as under:—

*“17. This Court is of the view that the reports of the Commission are recommendatory in nature and cannot be equated with decrees/orders passed by Civil Courts which are binding on the parties and can be enforced and executed. Commission's reports are not alternative to the hierarchical judicial system envisaged under the Constitution of India. As this Court is of the view that Commission has no jurisdiction, the doctrine of estoppel offers no assistance to the respondent.”*

10. In *National Seed Corporation Ltd. v. National Commission for SC & ST: W.P. (C) 5845/2000*, decided on 30.05.2013, this Court had considered the case wherein the Commission had called upon the National Seed Corporation Limited to reinstate one of the employees in service and to further conduct an enquiry as to the circumstances in which he had been discharged. The Court after examining the limited scope of jurisdiction of the Commission, concluded as under:—

*“51. The National Commission for Schedule Caste and Schedule Tribe clearly did not have the power to issue a mandate to the Petitioners to either re-instate the Respondent No. 2 back into service or to conduct an enquiry into the circumstances under which the Respondent No. 2 was discharged from the services of the Petitioner by alleged misuse of provisions of Voluntary Retirement Scheme, which clearly was beyond the Constitutional scheme of the powers conferred on the said Commission by Article 338 of the Constitution of India.”*



**11. A bare perusal of the complaint filed by respondent no. 3 also indicates that the matter in controversy relates to a commercial dispute. Although, respondent no. 3 has alleged that the officers of the petitioner had threatened and used abusive language, the substance of the complaint are the monetary claims made by respondent no. 3 and Sh. Vijay Kishore against the petitioner. This Court is of the view that the allegations of abusive language and demeaning terms are bald allegations, which have been made only with the view to somehow invoke the jurisdiction of the Commission. It is also noteworthy that the thrust of the impugned order passed by the Commission is also the adjudication of the monetary claims made in the complaint filed before the Commission.**

xxx xxx xxx”

(Emphasis Supplied)

21. Accordingly, considering the submissions made before this Court and the detailed discussion hereinabove, it is directed that there shall be stay of the impugned Notices dated 03<sup>rd</sup> October, 2025 and 26<sup>th</sup> November, 2025, issued by respondent no. 1, and there shall also be stay of the proceedings before the respondent no. 1, till the next date of hearing.

22. List before the Roster Bench on 02<sup>nd</sup> March, 2026.

MINI PUSHKARNA, J

DECEMBER 3, 2025/KR