

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3152 OF 2018**

AV Amarnath & Anr ...Petitioners
Versus
IDBI Bank Ltd & Anr ...Respondents

**WITH
WRIT PETITION (L) NO. 1124 OF 2021**

Savita Satish Gowda ...Petitioner
Versus
State Bank of India Ltd ...Respondents

**WITH
WRIT PETITION (L) NO. 1538 OF 2021**

Mohan Prasad Kala ...Petitioner
Versus
State Bank of India Ltd ...Respondents

**WITH
WRIT PETITION NO. 2944 OF 2021**

**WITH
INTERIM APPLICATION NO. 1033 OF 2020**

Punit Agarwal ...Petitioner
Versus
Reserve Bank of India & Anr ...Respondents

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WITH
WRIT PETITION NO. 1946 OF 2022

PSL Corrosion Control Services Ltd & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH
WRIT PETITION NO. 160 OF 2023

Vijay Goverdhandas Kalantri & Anr ...Petitioners
Versus
Bank of Baroda (Formerly known Vijaya Bank) & Ors ...Respondents

WITH
WRIT PETITION (L) NO. 5807 OF 2021

Chandra Prakash Madrecha ...Petitioner
Versus
State Bank of India & Anr ...Respondents

WITH
WRIT PETITION NO. 959 OF 2021

Surya Prakash Madrecha ...Petitioner
Versus
State Bank of India & Anr ...Respondents

WITH
WRIT PETITION NO. 115 OF 2023

Viraj Chetan Shah ...Petitioner
Versus
Union Bank of India ...Respondent

WITH

WRIT PETITION NO. 93 OF 2022

Pranav Constructions Systems Pvt Ltd & Ors ...Petitioners
Versus
Bank of Baroda ...Respondent

WITH

WRIT PETITION NO. 1743 OF 2021

Ajay Mehra ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 1738 OF 2021

Yogesh Mehra ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2157 OF 2017

Edayar Zic Ltd ...Petitioner
Versus
Union of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2369 OF 2021

Chandra Prakash Madrecha ...Petitioner
Versus
IDBI Bank Limited & Anr ...Respondents

WITH

WRIT PETITION NO. 2392 OF 2021

Surya Prakash Madrecha ...Petitioner
Versus
IDBI Bank Limited & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 6384 OF 2020

Rajesh G Poddar & Ors ...Petitioners
Versus
State Bank of India ...Respondent

WITH

WRIT PETITION (L) NO. 13989 OF 2021

WITH

INTERIM APPLICATION NO. 1360 OF 2022

RJ Bio-Tech Ltd & Ors ...Petitioners
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 746 OF 2021

Kailash Shahra ...Petitioner
Versus
State Bank of India ...Respondent

WITH
WRIT PETITION (L) NO. 14651 OF 2021
WITH
INTERIM APPLICATION NO. 1228 OF 2022

Harshwardhan Raghvendra Joshi ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH
WRIT PETITION (L) NO. 14653 OF 2021
WITH
INTERIM APPLICATION NO. 1225 OF 2022

Meena Raghavendra Joshi ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH
WRIT PETITION (L) NO. 14654 OF 2021
WITH
INTERIM APPLICATION NO. 1359 OF 2022

Khadkeshwar Hatcheries Ltd & Ors ...Petitioners
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 15028 OF 2022

Devang Amulakh Mehta & Anr ...Petitioners
Versus
Reserve Bank of India & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 9453 OF 2020

Urrshila Kerkar & Anr ...Petitioners
Versus
State Bank of India & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 9456 OF 2020

Urrshila Kerkar & Anr ...Petitioners
Versus
Kotak Mahindra Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION NO. 3145 OF 2022

MS Ambegaonkar & Anr ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2965 OF 2022

Harshil Mehta ...Petitioners
Versus

Punjab National Bank & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 18882 OF 2021

Vinod Poddar & Anr ...Petitioners

Versus

State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2605 OF 2021

Mamta Kishore Apparao & Anr ...Petitioners

Versus

State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3330 OF 2022

Urrshila Kerkar ...Petitioners

Versus

Reserve Bank of India & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 20876 OF 2021

Purshottam Chagganlal Mandhana & Ors ...Petitioners

Versus

State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3605 OF 2021

WITH
INTERIM APPLICATION NO. 2648 OF 2021

Manjula Bhatia ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH
WRIT PETITION NO. 2414 OF 2021

WITH
INTERIM APPLICATION NO. 2655 OF 2021

Ashok Yoginder Punj & Anr ...Petitioners
Versus
IDBI Bank & Ors ...Respondents

WITH
WRIT PETITION NO. 24214 OF 2022

WITH
INTERIM APPLICATION (L) NO. 28068 OF 2022

Ashok B Jiwrajka & Ors ...Petitioners
Versus
Reserve Bank of India & Ors ...Respondents

WITH
WRIT PETITION NO. 3603 OF 2021

WITH
INTERIM APPLICATION NO. 2646 OF 2021

Nareshchandra Sharma ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 24353 OF 2022

Mamta Kishore Apparao & Anr ...Petitioners
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION NO. 3723 OF 2022

Rahul Suri ...Petitioner
Versus
Reserve Bank of India & Anr ...Respondents

WITH

WRIT PETITION NO. 2094 OF 2022

Olympic Oil Industries Ltd & Ors ...Petitioners
Versus
Indian Overseas Bank ...Respondents

WITH

WRIT PETITION NO. 3153 OF 2018

Venkatesan Vetaraman Singanallur & Ors ...Petitioners
Versus
IDBI Bank Ltd & Anr ...Respondents

WITH

WRIT PETITION NO. 2852 OF 2019

Devanshu Praveen Desai ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2856 OF 2019

Deepen Arun Parekh ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3521 OF 2019

Kirankumar Chandulal Parikh ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3365 OF 2019

Aditya Malhotra & Ors ...Petitioners
Versus
IDBI Bank Ltd & Anr ...Respondents

WITH

WRIT PETITION NO. 4743 OF 2022

Harshil Mehta ...Petitioner
Versus
Bank of Baroda & Ors ...Respondents

WITH
WRIT PETITION NO. 4754 OF 2022

Alok Agrawal ...Petitioner
Versus
Reserve Bank of India & Ors ...Respondents

WITH
WRIT PETITION NO. 3651 OF 2019

Gautam Malhotra ...Petitioner
Versus
IDBI Bank Ltd & Anr ...Respondents

WITH
WRIT PETITION NO. 3649 OF 2019

Arvind Dham ...Petitioner
Versus
IDBI Bank Ltd & Anr ...Respondents

WITH
WRIT PETITION NO. 543 OF 2022

WITH
INTERIM APPLICATION (L) NO. 14710 OF 2022

Sanjay Singal ...Petitioner
Versus
Reserve Bank of India & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 32770 OF 2022

Arun Kumar Saha ...Petitioner
Versus
Bank of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 36753 OF 2022

Aksh Chandra Khurana ...Petitioner
Versus
Union of India through its Ministry of Finance ...Respondent

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8016 OF 2019

WITH

INTERIM APPLICATION (ST) NO. 6772 OF 2023

WITH

INTERIM APPLICATION (ST) NO. 13434 OF 2022

Rajan Bhalchandra Datara & Anr ...Petitioners
Versus
Bank of Maharashtra & Anr ...Respondents

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3186 OF 2021

WITH

INTERIM APPLICATION NO. 3614 OF 2022

Prathiba Milk Industries & Ors ...Petitioners
Versus
Bank of Baroda & Ors ...Respondents

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 96699 OF 2020

Shree Balaji Milk & Milk Products ...Petitioner
Versus
Bank of India & Ors ...Respondents

WITH
WRIT PETITION NO. 3650 OF 2021

Ajit Bhagwan Kulkarni & Ors ...Petitioners
Versus
Bank of Maharashtra & Anr ...Respondents

WITH
WRIT PETITION NO. 1230 OF 2022

Autocrat Automotive Stamping Pvt Ltd & Ors ...Petitioners
Versus
Bank of India, through its Managing Director and Chief Executive Officer & Anr ...Respondents

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8375 OF 2021

Pranav Constructions Systems Pvt Ltd ...Petitioner
Versus
Bank of India Ltd & Anr ...Respondents

WITH
WRIT PETITION NO. 3748 OF 2022

WITH
INTERIM APPLICATION NO. 2020 OF 2022

Meena Raghavendra Joshi ...Petitioner
Versus
Bank of Baroda & Ors ...Respondents

WITH
WRIT PETITION NO. 3753 OF 2022

WITH
INTERIM APPLICATION (ST) NO. 7413 OF 2022

Khadkeshwar Hatcheries Ltd & Ors ...Petitioners
Versus
Bank of Baroda & Ors ...Respondents

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11454 OF 2019

WITH
INTERIM APPLICATION (ST) NO. 13432 OF 2022

Shobhana R Datar ...Petitioner
Versus
Union of India Through Ministry of Law &

Justice, Department of Legal Affairs & Ors ...Respondents

WITH

WRIT PETITION NO. 3757 OF 2022

WITH

INTERIM APPLICATION (ST) NO. 7330 OF 2022

Harshwardhan Raghavendra Joshi ...Petitioner

Versus

Bank of Baroda & Ors ...Respondents

WITH

WRIT PETITION NO. 14855 OF 2022

Deogiri Infrastructure Pvt Ltd & Ors ...Petitioners

Versus

Bank of Baroda Zonal Office through Authorized Officer & Ors ...Respondents

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3338 OF 2020

Vaibhav D Kulkarni ...Petitioner

Versus

Reserve Bank of India through the Chief General Manager & Ors ...Respondents

WITH

WRIT PETITION NO. 4386 OF 2021

Kishor M Howale & Anr ...Petitioners

Versus

The Reserve Bank of India & Ors

... Respondents

Mr Girish Godbole, Senior Advocate, with Nirav Shah & Niharika Singh, for the Petitioners in WP/160/2023.

Mr Amir Arsiwala, with Nupur Shah, Farzeen Pardiwalla & Piyush Deshpande, for the Petitioner in WP/3330/2022.

Mr Chirag M Bhatia, i/b Vijay Hamare, for the Petitioner in WP/3723/2022.

Ms Kamini Pansare, with Mihir Beradia, i/b VM Legal, for the Petitioners in WP/3145/2022.

Mr Vinod Kothari, i/b M/s Apex Law Partners, for the Petitioner in WP/93/2022.

Mr Vaibhav Charalwar, with Sachin Chandrana, Aagam Mehta, Mahek Naik & Archit Shah, i/b Manilal Kher Ambalal & Co, for the Petitioner in WP/1738/2021 & WP/1743/2021.

Mr Akshay Doctor, with Deepak Deshmukh, Vivek Dwivedi & Hrishikesh Nadkani, i/b Naik Naik & Co, for the Petitioners in WP/2605/2021 & WPL/24353/2022.

Mr Som Sinha, with Divya Vishwanath, i/b Som Sinha & Associates, for the Petitioner in WPL/36753/2022.

Mr N Gada, i/b Pradnya Shinde, for the Petitioners in WPL/6384/2020.

Mr Kazan Shroff, with PV Narendran, i/b Lex Legal & Partners, for the Petitioners in WP/959/2021, WPL/1124/2021, WPL/1538/2021, WP/2369/2021, WP/2392/2021 & WPL/15807/2021.

Mr Shriraj Dhruv, with Mitesh Naik & Husaina Zaidy, i/b Dhru and Co, for the Petitioner in WP/2157/2017.

Mr Keya Raval, i/b Dhru and Co, for the Petitioner in WP/2965/2022 & WP/4743/2022.

Mr Gaurav Mehta, with Mukul Taly & Sayali Gharpure i/b S Mohamedbhai & Co, for the Petitioners in WP/8016/2019 & WP/11454/2019.

Mr Vivek Patil, i/b Vishnu Chavan, for the Petitioners in WP/3186/2021 & WPST/96699/2020.

Mr Punit Damodar, with Nikita Vardhan, Raveena Kinkhabwala &

- Vishal Tiwari, i/b Kanga & Co, for the Petitioner in WP/3521/2019, WP/2852/2019 & WP/2856/2019.*
- Mr Malhar Zatkia, with Shraddha Jadhav & Vidhi Mehta, i/b Aagam Doshi, for the Petitioners in WP/2094/2022.**
- Ms Kavisha Shah, with Hamza Lakhani, i/b India Law Alliance, for the Petitioner in WP/4931/2022.**
- Mr Kunal Naik, i/b Ashwin Shanker, for the Petitioners in WP/3650/2021.**
- Mr Siddha Pamecha, with Rukshin Ghaya, i/b M Mulla Associates, for the Petitioner in WP/2944/2021.**
- Mr Ashish Pyasi, i/b Dhir & Dhir Associates, for the Petitioner in WP/3365/2019, WP/3651/2019 & WP/3649/2019.**
- Mr Devesh Juvekar, with Kavita Brid Chava, Unnati Vijay & Honey Chandnani, i/b Rajani Associates, for the Petitioner in WPL/32770/2022.**
- Mr Amir Arsiwala, with Farzeen & Shivani Kumbhojkar, i/b The Law Point, for the Petitioners in WP/1946/2022, WP/3605/2021, WP/2414/2021 & WP/3603/2021.**
- Mr Shlok Budas, i/b Parinam Law Associates for the Petitioner in WP/115/2023.**
- Mr Rajesh Devgharkar, with Neha Patil, Akshay Vijay Kamble, i/b Akshay Vijay Kamle, for the Petitioner in WPL/29685/2021.**
- Mr Venkatesh Dhond, Senior Advocate, with Prasad Shenoy, Parag Sharma & Kirti Ojha, i/b Blac Co, for RBI in WP/2965/2022, WP/4743/2022, WP/1946/2022, WPL/15028/2022, WPL/3330/2022, WPL/2434/2022, WP/4754/2022 & WP/1723/2022, WP/11454/2019, WPL/14651/2021 & WP/4855/2022.**
- Mr Jamshed Ansari, for Respondent No. 2 in WP/3330/2022 & WPL/15028/2022.**
- Mr Raj Dani, with Ruchita Chavan, i/b Thodur Law Associates, for the Respondents in WP/2094/2022.**
- Mr Atul Damle, Senior Advocate, i/b Sanjay D Kelkar & Omkar S Kelkar, for Respondent No. 1 in WPL/14651/2021, WPL/14653/2021 & WPL/14654/2021.**
- Mr Devdatta Uchill, i/b Vertices Partners Advocates, for Respondents Nos. 4 & 5 in WP/3605/2021, WP/3603/2021 & WP/1946/2022.**

Mr Mandar Limaye, with Prathamesh Sawant, for Respondent No. 1 in WP/2157/2017.

Ms Apoorva Kulkarni, i/b M/s U Deshpande & Co, for the Respondent in WPL/9453/2020.

Ms Bindu Bhatia, i/b Ankur Kumar, for the Respondent in WP/2414/2021, WP/3603/2021, 3605/2021 & WPL/1946/2022.

Ms Sukanta Karmakar, AGP, for the Respondent-State in WP/2157/2017.

Mr Ashutosh Mishra, for Respondent No. 2-UOI in WP/8375/2021.

Mr Niranjan Shimpi, for Respondent No. 1 in WP/1946/2022.

Mr Ayaan Hafiz, for the Respondent in WPL/36753/2022.

Mrs Rathina Maravarman, for Respondent No. 1 in WP/3650/2021, WP/4754/2022, WP/93/2022, WP/746/2022, WPL/9453/2020, for Respondents Nos. 1 & 2 in WP/4743/2022, WPL/13989/2021, for Respondent No. 2 in WP/3723/2022, for Respondents Nos. 1, 2 & 3 in WPL/18882/2021 and for Respondents Nos. 1 to 5 in WP/14855/2022.

Mr Nikhil Gupta, i/b Wadia Ghandy & Co, for Respondents Nos. 7 & 8 in WPL/24214/2022.

Mr Zulfio Multani, with Nainesh N Amin, i/b NN Amin & Co, for Respondents Nos. 1 to 3 in WPL/24353/2022.

Mr Subir Kumar, for Respondent in WPL/1124/2021 & WPL/1538/2021.

Mr Inayat Ali Qureshi, i/b KK Associates, for Respondent No. 1 in WP/2605/2021.

Ms Juhi Shah, i/b IV Merchant & Co, for Respondent No. 4 in WPL/20876/2021.

Ms Tasneem Zariwala, i/b Vidhii Partners, for Respondent No. 12 in WP/4754/2022.

Ms Divya Bamne, i/b M/s AR Bamne & Co for Respondents Nos. 1 to 3 in WP/160/2023.

Mr Fraser M Alexander, for Respondents Nos. 5 & 17 in WP/4754/2022 and for Respondent No. 3 in WP/2157/2017.

Mr Jayesh Desai, with Pratik Kadav, i/b Singhi & Co, for Respondents Nos. 1 & 2 in WP/2965/2022.

Mr Nishit Dhruva, with Prakash Shinde, Niyati Merchant, Yash Dhruva & Harsh Sheth, i/b MDP & Partners, for Respondent

No. 1 in WP/3152/2018, WP/3153/2018, WP/2852/2019, WP/2856/2019, WP/2859/2019, WP/3365/2019, WP/3651/2019, WP/3649/2019, WP/3521/2019, WP/959/021, WP/1738/2021, WP/1743/2021, WP/2369/2021, WP/2392/2021, WP/5807/2021, WP/10149/2021, WP/20876/2021, for Respondent No. 2 in WP/2944/2021 7 WP/3145/2022, for Respondent No. 3 in WPL/16841/2021 and for Respondent No. 4 in WP/115/2023.

Mr Akshay Vani, *with Sunilkumar Pillai & Aditya Manjrekar, i/b MLS Vani & Associates, for Respondent No. 5 in WP/2852/2019, WPL/24214/2022, WP/3521/2019 & WP/2856/2019*

Ms Priyanka Ghosh, *i/b Abhiraj Parab, for Respondent No. 5 in WP/3605/2021, WP/2414/2021, WP/3603/2021 and for Respondent No. 7 in WP/1946/2022.*

Ms Dimple Tejani, *i/b Medha Rane, for the Respondent in WP/11454/2019 & WP/8016/2019.*

Ms Priya Nigwekar, *i/b OA Das for Respondent No. 1 in WPST/96699/2020, WP/1230/2022 & WP/8375/2021.*

Mr Mohamedali M Chunawala, *for Respondent No.4-Union of India, in WPL/13989/2021 & WP/11454/2019 and for Respondent No. 2 in WP/8016/2019.*

Ms Shobhana Narayan, *i/b Khaitan & Co, for the Respondent in WPL/6384/2020.*

**CORAM G.S. Patel &
Neela Gokhale, JJ.**

DATED: 9th March 2023

PC:-

1. The entire group pertains to what are called the Wilful Defaulter Master Circular(s) issued by the Reserve Bank of India (“RBI”). The parties in all these matters are in three broad categories. (1) The Petitioners are all customers or clients of banks.

(2) Then there is the RBI that has issued the Master Circular(s) in question. (3) The final set of parties are the various scheduled banks that have granted lending facilities to various Petitioners and against whom they have applied the RBI Circular(s).

2. Some of the Petitions challenge the decision-making processes by the various banks' Wilful Defaulter Identification Committees ("WDIC"). But there are a few Petitions that challenge the constitutionality and legality of the RBI Master Circular(s) themselves.

3. Evidently, the vires challenge will have to be heard first. If the challenge succeeds, and the RBI Master Circular(s) are struck down, then the individual factual cases may not survive. This will be irrespective of whatever the case may be regarding deficiencies or shortcomings in an individual decision-making process. Should the vires challenge fail, then, of course, the individual challenges to the various decision-making processes will have to be taken up one by one.

4. With the assistance of counsel, we have been able to identify today the matters that do contain a vires challenge. These are:

- (i) WP No. 3152 of 2018 (*AV Amarnath & Anr v IDBI Bank Ltd & Anr*);
- (ii) WP No. 1946 of 2022 (*PSL Corrosion Control Services Ltd & Ors v Union of India & Ors*);

- (iii) WP No. 3330 of 2022 (*Urshila Kerkar v Reserve Bank of India & Anr*);
- (iv) WP No. 8016 of 2019 (*Rajan Bhalchandra Datar & Anr v Bank of Maharashtra & Anr*);
- (v) WP 11454 of 2019 (*Shobhana R Datar v Union of India, through the Ministry of Law and Justice Department of Legal Affairs & Ors*).

5. These matters will be taken together for the purposes of the vires challenge. The Petitioners in these five matters must arrange between themselves to have a lead counsel. Regrettably, it will not be possible to hear separate counsel in each matter on the same point. So far as the facts in each of these cases are concerned, a short note to the extent necessary may be submitted but there must be a common set of submissions on law and the vires challenge. We permit the submission of short advance notes of arguments and a compilation of authorities properly bookmarked and hyperlinked in soft copy. A spare set in hard copy should be kept available. The compilation must be serially paginated.

6. Finally, we will require from the RBI a compilation of the Master Circular(s) in question along with all other necessary material including authorities. The RBI is also permitted to put in a short note of written arguments.

7. So far as the other matters are concerned, we find that there are very many that are still on a lodging number since 2021. In all

these matters, time is extended as a final opportunity until 23rd March 2023 to remove all office objections and cure all filing defects. If not done by that date, all Petitions that are on a lodging number will be dismissed for non-removal of office objections without further reference to the Court and will not be restored thereafter. On that dismissal any interim or ad-interim orders will stand vacated.

8. For the present purposes, the entire group, including the matters where there is no vires challenge will be listed along with the four lead matters on the next date.

9. In all matters where Affidavits in Reply have not been filed as yet, Affidavits in Reply by the individual banks on the facts of each case are to be filed and served by 24th March 2023. A Rejoinder is permitted by 1st April 2023.

10. No further Affidavits are to be filed at this stage. The RBI is not required to file further Affidavits on the question of the Master Circular(s).

11. List the matter on 3rd April 2023 at 2.30 pm.

12. All previous orders, if any, to continue until that date.

**WRIT PETITION NO. 3186 OF 2021 WITH INTERIM
APPLICATION NO. 3614 OF 2022:**

13. This matter relates to a fraud circular. It is to be detagged from the other matters in this group.

WRIT PETITION (L) NO. 18882 OF 2021:

14. We are informed that the 1st Petitioner has passed away on 19th October 2022. His name is to be deleted. The Petition will continue in the sole name of the 2nd Petitioner. Amendment to be carried out by Monday, 13th March 2023.

WRIT PETITION (L) NO. 36753 OF 2022:

15. The Petitioner seeks ad-interim relief staying Orders dated 29th September 2021 passed by the 3rd Respondent Bank (Indian Overseas Bank (“IOB”)) Wilful Defaulter Identification Committee (“WDIC”) and 25th August 2022 of that Bank’s Review Committee. The Petitioner was a Director with Nimbus Communication Limited. There were borrowing transactions between that entity and IOB. There were bank proceedings for recovery, including in the Debt Recovery Tribunal. It seems that on 28th September 2020, the IOB’s WDIC issued a Notice to the Petitioner and others saying that there was a wilful default in repayment of dues and issuing a show cause notice to all of them to declare them as wilful defaulters. The Petitioner replied on 10th October 2020. A copy of that reply is at page 36. All that the Petitioner said was this:

“This is to inform you that I was holding directorship due to employment engagement with the company and now I am no longer associated with the company”.

16. That is all that the Petitioner's letter says. There are no particulars. There are no details. There are no attachments. On this, the IOB's WDIC gave the Petitioner an opportunity to appear personally by its communication of 3rd April 2021, at Exhibit "F" at page 133 of the Affidavit in Reply. The fact that the Petitioner was given notice is not in dispute. Then there is a communication of 25th June 2021 which made arrangements for hearing through Video Conferencing on 16th July 2021. On 7th July 2021, there was another communication, (Exhibit "H" to the Petition at page 48) by which the Petitioner repeated almost verbatim what he said earlier and which we have quoted above.

17. On 29th September 2021, the IOB passed an Order declaring the Petitioner *inter alia* as one of the wilful defaulters under the applicable RBI Guidelines/Master Circular. The Order of that day advised that a Notice be issued to all persons so that they could make the representation to the Review Committee. A copy of the 29th September 2021 Order is at page 52 of the Petition. This was forwarded to the Petitioners by a letter of 8th October 2021 at Exhibit "J".

18. On 25th October 2021, the Petitioner once again wrote to the IOB reiterating, again without any particulars, the stand that he had taken earlier. Now he said that he had resigned as an Executive Director on 10th March 2014 after which date, he was not involved in the daily affairs of the company. On 10th October 2022, the Review Committee of the IOB upheld the order of its WDIC.

19. The complaint of the Petitioner is that his representation was not considered and that he was not given a personal hearing. The second ground cannot be sustained. He was given two opportunities to appear. If he chose not to appear, he must take the consequences. As to the so-called merits of his representation, quite simply there are none. Even now we do not know from the correspondence prior to the Petition what were the terms of the Petitioner's engagement at the relevant time. It is unclear to us whether because these are earlier or older transactions the Petitioner could be held not to have any liability or responsibility for those transactions.

20. We are not considering any question of the challenge to the RBI Master Circular in this Order. We have merely given our brief reasons for declining ad-interim relief. This Petition is to be placed along with the others in the group on 3rd April 2023. After we have heard the main vires challenge, we will take up the Petition for final disposal and will consider the case of the Petitioners more fully at that time.

WRIT PETITION NO. 2094 OF 2022, WRIT PETITION (L) NO. 24353 OF 2022, WRIT PETITION NO. 2605 OF 2021 and WRIT PETITION NO. 3723 OF 2022:

21. In all these matters, Affidavits in Reply are to be filed and served by 20th March 2023. No Rejoinder without leave of the Court.

22. List these matters high on board on 27th March 2023 under the caption 'for ad-interim reliefs'.

(Neela Gokhale, J)

(G. S. Patel, J)