

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4356 OF 2021**

Rihen Harshad Mehta ...Petitioner
Versus
Union of India (through Ministry of Home
Affairs) & Ors ...Respondents

**WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 719 OF 2020**

Viraj Chetan Shah ...Petitioner
Versus
Union of India & Anr ...Respondents

**WITH
WRIT PETITION (L) NO. 10149 OF 2021**

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

**WITH
WRIT PETITION NO. 1762 OF 2021
WITH
INTERIM APPLICATION NO. 532 OF 2021**

Keshav Ashok Punj ...Petitioner

Versus
Bureau of Immigration & Ors ...Respondents

WITH
WRIT PETITION NO. 3152 OF 2018

AV Amarnath & Anr ...Petitioners
Versus
IDBI Bank Ltd & Anr ...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. 3365 OF 2019

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

WITH

WRIT PETITION NO. 3521 OF 2019

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

WITH

WRIT PETITION NO. 3649 OF 2019

Shri Arvind Dham ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION NO. 3651 OF 2019

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

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8016 OF 2019

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

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11454 OF 2019

Shobhana R Datar ...Petitioner
Versus
Union of India Through Ministry of Law &
Justice, Department of Legal Affairs & Ors ...Respondents

WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 51 OF 2020

Dr Shrikant Bhasi ...Petitioner
Versus
Bureau of Immigration, Ministry of Home Affairs
& Ors ...Respondents

WITH
WRIT PETITION NO. 162 OF 2020

Jubin K Thakkar ...Petitioner
Versus
Union of India & Ors ...Respondents

WITH
WRIT PETITION NO. 837 OF 2020

Gaurav Tayal ...Petitioner
Versus
Bureau of Immigration & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 9453 OF 2020

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

WITH

WRIT PETITION NO. 9456 OF 2020

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

FIRST APPEAL NO. 49 OF 2021

WITH

INTERIM APPLICATION NO. 658 OF 2020

Veena Abhav Neman Maiden NAME Veena ...Petitioner
Shivram Sodaye
Versus
Abhay Vishnu Neman ...Respondent

WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 140 OF 2021

Attaluri Venkateswara Prasad & Anr ...Petitioners
Versus
The Bureau of Immigration & Ors ...Respondents

WITH
WRIT PETITION NO. 195 OF 2021

Anil Bhanwarlal Mehta ...Petitioner
Versus
The Bureau of Immigration & Ors ...Respondents

WITH
WRIT PETITION NO. 959 OF 2021

Surya Prakash Madrecha ...Petitioner
Versus
State Bank of India & 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. 1704 OF 2021

Alok Agrawal ...Petitioner
Versus
South Indian Bank Limited & Ors ...Respondents

WITH

WRIT PETITION NO. 1738 OF 2021

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

WITH

WRIT PETITION NO. 1743 OF 2021

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

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2200 OF 2021

WITH

INTERIM APPLICATION NO. 342 OF 2022

Anil M Howale ...Petitioner

Versus

Union of India through its Ministry of Home Affairs & Ors ...Respondents

WITH

WRIT PETITION NO. 262 OF 2020

Anil M Howale ...Petitioner

Versus

The Reserve Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3338 OF 2020

Vaibhav D Kulkarni ...Petitioner

Versus

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

WITH

ORDINARY ORIGINAL CIVIL JURISDICTION

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 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. 2545 OF 2021

Ravi Arya & Anr ...Petitioners
Versus
The Reserve Bank of India through its Governor & 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. 2624 OF 2021

WITH
INTERIM APPLICATION NO. 408 OF 2022

WITH
INTERIM APPLICATION (L) NO. 26878 OF 2021

Punit Agarwal ...Petitioner
Versus
Bank of Baroda & Ors ...Respondents

WITH
WRIT PETITION NO. 2843 OF 2021

WITH
INTERIM APPLICATION (L) NO. 3106 OF 2022

WITH
INTERIM APPLICATION (L) NO. 6665 OF 2020

WITH
INTERIM APPLICATION NO. 1029 OF 2020

Punit Agarwal ...Petitioner
Versus
Reserve Bank of India & Ors ...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

WITH
WRIT PETITION NO. 3186 OF 2021

Pratibha Milk Industries & Ors ...Petitioners

Versus
Bank of Baroda & Ors ...Respondents

WITH
WRIT PETITION NO. 3338 OF 2021

Karan Baheti & Anr ...Petitioners
Versus
Union 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. 4386 OF 2021

Kishor M Howale & Anr ...Petitioners
Versus
The Reserve Bank of India & 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. 8375 OF 2021

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

WITH

WRIT PETITION (L) NO. 13683 OF 2021

Sarfaraz Ahmed Nizamuddin Siddique ...Petitioners
Versus
Union of India Through Government Pleader & ...Respondents
Ors

WITH

WRIT PETITION (L) NO. 13989 OF 2021

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

WITH

WRIT PETITION (L) NO. 14651 OF 2021

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

WITH

WRIT PETITION (L) NO. 14653 OF 2021

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

WITH
WRIT PETITION (L) NO. 14654 OF 2021

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

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 16607 OF 2021

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

WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 16841 OF 2021

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

WITH
WRIT PETITION (L) NO. 18651 OF 2021

Dinanath Soni ...Petitioner
Versus
Union of India & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 20876 OF 2021

Purshottam Chagganlal Mandhana & Ors ...Petitioners
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 27716 OF 2021

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

WITH

WRIT PETITION NO. 93 OF 2022

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

WITH

WRIT PETITION NO. 621 OF 2022

Mamta Kishore Apparao And Anr ...Petitioners
Versus
Bank of Baroda & Ors ...Respondents

Mr Vikram Nankani, Senior Advocate, with Vaibhav Charalwar, Sachin Chandrana, Akshay Dhayalkar and Archit Shah, i/b Manilal Kher Ambalal & Co, for the Petitioner in WP/1738/2021 and WP/1743/2021.

Mr Venkatesh Dhond, Senior Advocate, with Prasad Shenoy, Aditi Phatak and Kirti Ojha, i/b BLAC & Co, for Respondent No.2-

RBI in WP/25091/2019 and for Respondent No.1- RBI in WP/2545/2021.

Mr Sharan Jagtiani, Senior Advocate, with Priyank Kapadia, Mayur Shetty and Dikshat Mehra, i/b Rajani Associates, for the Petitioners in WP/921/2022.

Mr Anil Singh, Additional Solicitor General, with Rui Rodrigues and DP Singh, for Respondent No.1 in WP/4356/2021.

Mr Anil Singh, Additional Solicitor General, with YR Mishra and Rahul Tiwari, for the Respondent in WP/1762/2021.

Mr Anil Singh, Additional Solicitor General, with YR Mishra, Aditya Thakkar and DP Singh, i/b Gul Asanani, for Respondents Nos. 1 and 2-Union of India, in WP/3338/2021.

Mr Anil Singh, Additional Solicitor General, with Aditya Thakkar and DP Singh, i/b Gul Asanani, for Respondents Nos. 1 and 2- Union of India, in WPL/13683/2021.

Mr Anil Singh, Additional Solicitor General, with Aditya Thakkar and DP Singh, i/b Gul Asanani, for Respondents Nos. 1 and 2- Union of India, in WP/621/2022.

Mr Anil Singh, Additional Solicitor General, with Rui Rodrigues, Aditya Thakkar and DP Singh, i/b AA Ansari, for Respondent No.1-Union of India, in WP/4356/2021.

Mr Anil Singh, Additional Solicitor General, with Aditya Thakkar and DP Singh, i/b AA Ansari, for Respondents-Union of India, in WP/6388/2021.

Mr Anil Singh, Additional Solicitor General, with Aditya Thakkar and DP Singh, i/b AA Ansari, for Respondent No.1-Union of India, in WP/2200/2021.

Mr Mukul Taly, with Sayali Gharpure, i/b S Mahomedbhai & Co, for the Petitioner in ASWP/11454/2019, ASWP/8016/2019, WP/11454/2019 and WP/8016/2019.

Mr Ashish Kamat, with Malhar Zatakia & Ashmita Goradia, i/b Aagam J Doshi, for the Petitioners in WPL/27716/2021.

Mr Ashish Pyasi, with Sneha Nanandkar and Dinesh Jadhvani, i/b Dhir & Dhir Associate, for the Petitioners in WP/3651/2019, WP/3649/2019 and WP/3365/2019.

Mr Shivaji A Masal, for the Petitioners in WP/2200/2021 and WP/4386/2021.

Ms Gulnar A Mistry, with Shantam Mandhyan, i/b Vidhii Partners,

- for the Petitioners in WP/3338/2021.*
- Mr Akash D Warang**, *for the Petitioner in WP/2624/2021 and IA/408/2022.*
- Mr Vishal Kanade**, *with Vishal Maheshwari and Kamini Pansare, i/b VM Legal, for the Applicants/Petitioners in WPL/16841/2021.*
- Mr Simil Purohit**, *with Punit Damodar, Nikita Vardhan & Vishal Tiwari, i/b Kanga & Company, for the Petitioner in WP/2852/2019, WP/2856/2019 and WP/3521/2019.*
- Mr Akshay Patil**, *with Onkar Chandurkar and Rajesh Devgharkar, i/b Akshay Vijay Kamble, for the Petitioner in WP/1704/2021.*
- Mr Ashutosh Misra**, *for Respondent No.2-Union Of India in WP/8375/2021.*
- Mr Mohamedali M Chunawala**, *i/b AA Ansari, for Respondent No.2-Union of India in ASWP/8016/2019 and for Respondent No.1-Union of India, in ASWP/11454/2019.*
- Mr Mohamedali M Chunawala**, *i/b Gul Asnani, for Respondent No.4-Union of India, in WPL/13989/2021.*
- Mr Nilesh Bamne**, *i/b M/s AR Bamne & Co, for Respondent No.2-Bank of Baroda, in WP/2545/2021.*
- Mr AR Bamne**, *i/b M/s AR Bamne & Co, for Respondent No.2-Bank of Baroda, in WPL/18651/2021.*
- Mr Aseem Naphade**, *with Saurabh Utangale, i/b Utangale & Co, for Respondent No.2 in WP/2843/2021.*
- Ms Saloni Kapadia**, *with Chitkrishna Thakkar, i/b Cyril Amarchand Mangaldas, for Respondent No.2 in WP/51/2020.*
- Mr YS Bhate**, *for Bureau of Immigration/Union of India, for Respondents Nos. 1 & 3 in WPL/2351/2019, WP/140/2021, WPL/18651/2021, for Respondents Nos. 2 and 3 in WP/19880/2021, for Respondents Nos. 3, 4 and 5 in WP/2843/2021.*
- Mr YR Mishra**, *for Union of India, in WP/162/2020.*
- Mr Nishit Dhruva**, *with Prakash Shinde, Niyati Merchant, Yash Dhruva and Atharva Diwe, i/b MDP & Partners, for Respondent No.2 in WPL/16841/2021, WPL/13683/2021, WP/2944/2021, WP/140/2021, WP/162/2020, WP/4356/2021, WP/719/2020, WPL/10149/2021, for Respondent No.1 in WPL/20876/2021, WPL/5807/2021, WP/2624/2021, WP/2392/2021, WP/2392/2021, WP/1743/2021, WP/1738/2021,*

*WP/959/2021, WP/3651/2019, WP/3649/2019,
WP/3521/2019, WP/3356/2019, WP/2856/2018,
WP/2852/2018, WP/3153/2018, WP/3152/2018 and for
Respondent No.3 in WP/195/2021.*

Mrs Rathina Maravarman, *for Respondents Nos. 1 and 2-State Bank of India in WPL/13989/2021, WPL/9453/2020, for Respondent No.2-Bank of Baroda in WP/1762/2021, for Respondent No.2-Union Bank of India in WP/1704/2021, for Respondent No.1-Bank of Maharashtra, in WP/3650/2021 and for Respondent No.1-Bank of Baroda in WP/93/2022.*

Mr Nikhil Rajani, *with Apoorva Kulkarni and Rupak Swangikar, i/b V Deshpande & Co, for the Respondent-Kotak Mahindra Bank Limited in WPL/9453/2020.*

Mr Mihir Mody, *with Arnav Misra, i/b K Ashar & Co, for Respondent No.3-RBI, in WP/621/2022.*

Mr Nainesh N Amin, *with Sumedha Sawant, for the Respondent-IDBI Bank Ltd, in WP/621/2022.*

Mr Aditya Thakkar, *with DP Singh, i/b AA Ansari, for Respondents Nos. 2 to 4-Union of India, in WP/8483/2021.*

Mr Subir Kumar, *with Salonee Patil, i/b SDS Advocates, for the Respondent-State Bank of India in WPL/1538/2021 and WPL/1124/2021.*

Ms Nidhi Singh, *with Zoheb Khatri, i/b IndiaLaw LLP, for Respondent No.1-South Indian Bank, in WP/1704/2021.*

Mr Sandesh Patil, *i/b Dhanesh Shah, for the Respondent-Union of India, in WP/719/2020 and WP/837/2020.*

Mr Deepak Thakare, *with Dhanesh Shah, for Respondents Nos. 1 and 3-Union of India, in WP/195/2021.*

Mr Nainesh N Amin, *with Sumedha Sawant, for Respondent No.3-UBI in WP/2545/2021.*

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 9th February 2022

PC:-

1. The entire group from Sr. Nos. 905 to 958 and Sr. No. 968 all challenge Look Out Circulars (“LOC”) issued at the instance of a public sector bank by the Ministry of Home Affairs through the Bureau of Immigration. In addition, some challenge the Office Memoranda (“OMs”) under which these LOCs have been issued. Some petitions challenge declarations of petitioners as Wilful Defaulters (“WDs”) under applicable Reserve Bank of India (“RBI”) guidelines, circulars and norms.
2. Sr. No. 924 is wrongly tagged with the group and is to be de-tagged.
3. Sr. No.968 will have to be shown as tagged.
4. It appears to us that the two issues of the LOCs/OMs and Wilful Defaulters are separate and should be dealt with separately. We propose therefore to split this into two groups: *Group A* comprising those matters that challenge LOCs/OMs; *Group B* will be the WD challenges. Having said that, there are undoubtedly some cases where the challenge is both to a LOC/OM and a WD declaration. These combined challenges will be taken up in Group A, but only for a hearing and decision on the LOCs/OM challenges.
5. As a first step, we will need to separate the two groups. Given the large number of matters, it is unreasonable to expect individual Advocates to coordinate this task. We are in particular concerned that there should not be a disruption or confusion in the offices of the learned Additional Solicitor General and those of the Advocates

representing the banks, because the Union of India is a party respondent to all the petitions, and one or the other bank is almost invariably a respondent as well. In many cases, the same bank is involved. Coordination and synchronizing the record is therefore essential.

6. To facilitate this exercise, we request the assistance of Mr Ketan Trivedi, Official Assignee. We have ascertained convenient dates from him. The Advocates for the Petitioners in all these matters are to appear before him on Friday, 11th February 2022 and Monday, 14th February 2022 at 2.30 pm in the Central Filing section in the High Court Annexe building, ground floor. The purpose of this exercise is **only** to separate/segregate those matters in **Group A** (LOC/OM challenges with or without WD declaration challenges) from those in **Group B** (exclusively WD challenges).

7. For the purpose of this exercise, we suggest that the present board listing be used Mr Trivedi as a reference point and the necessary details be entered either in an Excel worksheet or in a tabular form in some other manner.

8. We then expect the Petitioners in every one of the Group A matters to ensure that the record is correctly arranged and paginated. The Written Submissions and compilations of authorities are to be separated. The Written Submissions must clearly bear the names of the Petitioners. The compilations must have a cover page with an index and running paging starting with the cover page. The entire record of the Petitions as amended and all Affidavits in Reply

and Rejoinders are to be recompiled in a separate clean copy. For consistency with the PDF numbering, every page of the recompiled brief is to be numbered starting with the cover page and including the index page, synopsis, etc serially. This will ensure that there is no mismatch between the printed record and a PDF record (directions below).

9. No further Affidavits are to be filed in any of these matters except in Sr. No. 908. An Affidavit in Reply is permitted to be filed and served on or before 16th February 2022. A rejoinder is permitted by 21st February 2022.

In all matters Affidavits in Reply are to be filed and served on or before 17th February 2022. All pending Affidavits in Rejoinders are to be filed by 22nd February 2022. No Affidavits after 23rd February 2022. There are to be no further filings in any Group A matters after 23rd February 2022.

10. The recompiled Petitions, compilations of authorities and Written Submissions in all these matters are to be tendered to the Court Associate on or before 25th February 2022 in the Group A matters.

11. We have requested the Central Project Coordinator to digitize the entire record, compilations and submissions in all the Group A matters. He reports that this exercise will take about seven days and the record in all Group A matters should be digitized by 7th March 2022. Copies of the scanned, bookmarked and indexed PDF will be

made available to all Advocates on request free of cost. Advocates will be required to either supply an email address (linked to cloud storage for shared files) or a pen drive to which the files can be transferred.

12. We list Group A for final disposal on 10th March 2022 at 2.30 pm.

13. In at least one matter we have noticed that the Written Submissions travel well beyond the prayers and the pleadings. We are making it clear that we will disregard those portions of the Written Submissions that are not supported by the prayers or pleadings.

14. As regards Group B matters, once these are segregated, we will list them separately, de-link them from Group A and take up these for directions on 28th February 2022.

15. Parties are put to notice that we propose to follow broadly the same procedure for Group B as well. Only the scheduling of the hearing will need to be arranged.

16. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)