

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION [L] NO.10575 OF 2021

Pranav Construction Systems	]	
Private Limited and others.	]	Petitioners
Vs.		
Bank of Baroda	]	Respondent

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Dr. Birendra Saraf, Senior Advocate, Mr. Rohit Gupta a/w Mr. Vinod Kothari a/w Sonal Sanap i/b M/s. Apex Law Partners, for Petitioners.
 Ms. Rathina Maravarman, for Respondent-Bank.

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**CORAM : K.K. TATED &
 PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 17th AUGUST, 2021.

P.C.

1. Heard learned Counsel for the parties.

2. By this petition under Article 226 of the Constitution of India, the petitioners are challenging an action taken by the respondent declaring them as wilful defaulters under master Circular dated 1st July, 2015 issued by Reserve Bank of India. Learned Counsel appearing on behalf of the petitioners submits that the Respondent-Bank by it's letter dated 12th July, 2019 informed the petitioners that accounts of petitioner and it's

Directors are declared as willful defaulters. He submits that against the said order, the petitioners preferred an application dated 25th July, 2019 before the Review Committee of wilful defaulters. He submits that though the application was made on 25th July, 2019, till today, they have not received any communication from the Review Committee whether they have decided their application or not.

3. In support of his contention, learned Counsel for the petitioners relies on paragraph 14 of the petition which reads thus;

“14. The Respondent Bank without responding to the said settlement proposal directly concluded the process and declared petitioners as Wilful Defaulters and the said action of the Respondent Bank is disputed and sought to be vitiated by the Petitioners. It is pertinent to note that no communication was received by the Petitioners of any of the alleged decision taken by the Respondent Bank. It was only when the Petitioners on 24th March 2021 sought to make an offer for One Time Settlement to another Bank viz; Bank of India the Petitioners were informed by the said Bank that they are unable to accept the offer for One Time Settlement in view of the Respondent Bank having declared the Petitioners as Wilful Defaulter on the list of CIBIL”.

4. During the course of arguments, learned Counsel appearing on behalf of the petitioners submits that he received instructions from his client to make a statement before this Court that they have not received any communication or order by the Review Committee. Statement is accepted.

5. Ms. Maravarman, learned Counsel appearing on behalf of Respondent-Bank submits that she requires some time to file reply. She submits that as per her instructions, respondent-Bank has followed the procedure for declaring the petitioners as wilful defaulters.

6. Considering these facts, following order is passed;

: ORDER :

- (a) Liberty is granted to the Respondent-Bank to file reply on or before 24th August, 2021 with copy to the other side;
- (b) Rejoinder, if any, to be filed on or before 25th August, 2021 with copy to the other side;
- (c) Matter to appear on board on 27th August, 2021.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]