

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1743 OF 2021

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

.....

Mr. Vikram Nankani, Senior Counsel a/w Mr. Vaibhav Charalwar,
Counsel a/w Mr. Sachin Chandrana & Akshay Dhayalkar i/b
Manilal Kher Ambalal & Co. for the petitioner

Mr. V. Mannadiar i/b M/s. Mannadiar & Co. for respondent no.4

Mr. Nishit Dhruva a/w Praksh Shinde, Ms. Niyati Merchant i/b
MDP & Partners for respondent no.1 – SBI

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

DATED : 9th SEPTEMBER, 2021

P.C.

1. Heard learned Senior Counsel for the petitioner and learned Counsel for the respondents.
2. By this petition under Article 226 of the Constitution of India, the petitioner is challenging show-cause notice dated 6th August, 2018 and the final order dated 4th March, 2020.
3. During the course of arguments, the learned Senior Counsel appearing for the petitioner submits that after passing the order of Wilful Defaulter, they immediately preferred Review

before the Review Committee i.e. respondent no.3. He submits that till today, they have not received any communication from respondent no.3. In support of his contention, he relies on paragraph 14(jj) of the petition, which reads as under :-

14. (jj) Post the last email of 8th June, 2020 no response was received from the Respondent Nos. 2 and 3 thereto. However, after a gap of more than 10 months, on 20th April, 2021 the Petitioner, upon being informed by one of the Respondent No.5 company's lender banks, upon accessing the website of the Respondent No.4, learnt that the account of the Respondent No.5 Company had been declared as a wilful defaulter and the name of the Petitioner as the managing director of the Company, had been notified as wilful defaulter on the website, without service of the final order of the Respondent No.3 on the Petitioner. A copy of the snapshot of the reporting on the website of the Respondent No.4 reflecting the declaration of the account of the Company / Respondent No.5 as wilful defaulters and consequently the name of the Petitioner as the wilful defaulters (in its capacity as the Director of the Company) is hereto annexed and marked as the Exhibit- "Y". Despite the last communication dated 8th June, 2020 of the Petitioner, no reply is received from the Respondent No.1 to 3 thereto."

4. The learned Senior Counsel for the petitioner submits that as the Review Committee failed and neglected to communicate its final decision taken by them, the respondent no.3 may be directed not to take action on the basis of the order passed by them, declaring the petitioner as Wilful Defaulter.

5. Bare reading of para 14(jj), it is revealed that though the petitioner filed review application before the respondent no.3, there is no communication of the decision taken by them. In view of this fact, we are satisfied that respondent no.3 be directed not to take any action against the petitioner on the basis of order dated 4th March, 2020 passed by them.
6. The learned Counsel appearing for respondents submits that they require short time to file their reply.
7. In view of the above, following order is passed :-

ORDER

(i) Respondents to file their reply on or before 16th September, 2021 with copy to other side.

(ii) Rejoinder, if any, to be filed on or before 17th September 2021 with copy to other side.

(iii) Mater to appear on board on 20th September, 2021.

(iv) Respondents are restrained from taking any further action against the petitioner till the next date on the basis of the order dated 4th March, 2020.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)