

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

**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.*

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**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)**