

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2965 OF 2022

Harshil Mehta	...	Petitioner
Versus		
Punjab National Bank & Ors....		Respondents

Dr. Birendra Saraf, Senior Advocate a/w. Mr. Nirman Sharma, Mrs. Lata Dhruv and Keya Raval i/b. Dhru & Co., Advocate for the Petitioner.

None for the Respondent No.1.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JUNE 20, 2022

P.C.

1. Petitioner assails the master circular dated July 1, 2015 in respect of willful default.
2. Mr. Saraf, learned Senior Advocate for the petitioner submits that in the proceedings as initiated by the petitioner before the Committee, the petitioner sought for the documents relied in the show cause notice. The petitioner has not been supplied with the documents relied in the show cause notice. The Committee has taken a decision and now has referred to the Review Committee. Petitioner would be handicapped to file his full representation in absence of the documents relied by the respondent and the Committee. The learned Senior Advocate refers to the Judgment of the Apex Court in the case of *State Bank of India v. Jah Developers Pvt. Ltd. &*

*Ors.*¹ so also the judgment of the Apex Court in case of *T. Takano v. SEBI & Anr.*² to contend that the petitioner would be entitled for the documents relied in the show cause notice. In absence of the documents, no full representation under facts and law can be made.

3. Issue notice to respondents returnable on **4th July 2022**. Hamdast is allowed.

4. In the meantime, the petitioner may file an application for supply of the documents relied by the respondent. The petitioner may also file his representation. However, till next date, final decision may not be taken by the Review Committee.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

1 2019 (6) SCC 787.

2 Judgment Civil Appeal Nos.487-488 of 2022 Dtd. 18th February 2022.