

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

WRIT PETITION (L) NO. 20876 OF 2021

Purushottam Chagganlal Mandhana & Ors. ... Petitioners

Vs.

State Bank of India & Ors. ... Respondents

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Mr. Navroz H. Seervai, Senior Counsel with Mr. Ashish S. Kamat, Mr. Shadab S. Jan and Mr. Yash Tembe i/b. M/s. Crawford Bayley & Co. for the Petitioners.

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**CORAM: UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

DATE : 23rd SEPTEMBER, 2021.

P. C:-

Heard Mr. Seervai, learned senior counsel for the petitioners.

2. Petitioners have assailed amongst others legality and validity of letter dated 31st August, 2021 issued by Deputy General Manager, State Bank of India.

3. Impugned letter dated 31st August, 2021 reads as follows:-

“Please refer to the notices sent to you vide our Letter No.SBI/SAMB1/CLO-XI/2019-20/000397 dated 16.05.2019 advising Bank's decision for inclusion of your name in the CICs list of Wilful Defaulters. We also refer to your submission against the decision of the Bank in this regard vide your Letter No. dated 20.06.2019 & 30.01.2020.

2. In this connection, after careful examination of the above, the Identification Committee has rejected your submission and decided to include your name in the CICs list of Wilful Defaulters and the same has been reviewed/ confirmed by the Review Committee.

3. Since your submission has been rejected by the Wilful Defaulter Identification Committee of the Bank in its meeting

dated 01.02.2020 and reviewed/ confirmed by the Review Committee in its meeting dated 08.07.2020, your name is being forwarded to the CICs for the needful. The Bank also reserves its right to publish your photograph in newspaper(s) informing the public that the bank has declared you as Wilful Defaulter as per RBI guidelines.

4. This is for your information.”

4. Mr. Seervai, learned senior counsel for the petitioners submits that petitioners could not file show cause reply because the relevant documents were not furnished to the petitioners. There was also no hearing. Erroneously in the letter dated 31st August, 2021 reference has been made to “submission of the petitioners”. He therefore submits that in such circumstances, decision to take coercive action against the petitioners including publishing of photographs in newspaper would be highly illegal and arbitrary besides being violative of the petitioners rights under Article 19(1) (g) of the Constitution of India.

5. Issue notice, returnable on 27th October, 2021.

6. Mr. Seervai, learned senior counsel for the petitioners submits that respondents were already put on notice about today’s hearing and in this connection he has filed affidavit of service.

7. Be that as it may, respondents be served afresh whereafter petitioners to file affidavit of service.

8. In the meanwhile, we direct that consequential steps pursuant to letter dated 31st August, 2021 including publishing of photographs of the petitioners shall remained stayed.

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9. Stand over to 27th October, 2021.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)