

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 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

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**WITH
WRIT PETITION NO. 2856 OF 2019**

Deepen Arun Parekh ...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. 3521 OF 2019

Kirankumar Chandulal Parikh ...Petitioner
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 3649 OF 2019

Shri Arvind Dham ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION NO. 3651 OF 2019

Gautam Malhotra ...Petitioner
Versus
IDBI Bank Ltd & Anr ...Respondents

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8016 OF 2019

Rajan Bhalchandra Datara & Anr ...Petitioners
Versus

Bank of Maharashtra & Anr ...Respondents

WITH
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11454 OF 2019

Shobhana R Datar ...Petitioner

Versus

Union of India Through Ministry of Law &
Justice, Department of Legal Affairs & Ors ...Respondents

WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 262 OF 2020

WITH
INTERIM APPLICATION NO. 7 OF 2020

Kuloday Plastomers Pvt Ltd ...Petitioner

Versus

Union of India & Ors ...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
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 96699 OF 2020
AND
WRIT PETITION NO. 932 OF 2022

Shree Balaji Milk & Milk Products ...Petitioner
Versus
Bank of India & Ors ...Respondents

WITH
WRIT PETITION NO. 959 OF 2021

Surya Prakash Madrecha ...Petitioner
Versus
State Bank of India & 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. 1704 OF 2021

Alok Agrawal ...Petitioner

Versus

South Indian Bank Limited & Ors ...Respondents

WITH

WRIT PETITION NO. 1738 OF 2021

Yogesh Mehra ...Petitioner

Versus

State Bank of India & Ors ...Respondents

WITH

WRIT PETITION NO. 1743 OF 2021

Ajay Mehra ...Petitioner

Versus

State Bank of India & Ors ...Respondents

WITH

ORDINARY ORIGINAL CIVIL JURISDICTION

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
<i>Versus</i>	
IDBI Bank Limited & Anr	...Respondents

WITH

WRIT PETITION NO. 2414 OF 2021

WITH

INTERIM APPLICATION NO. 2655 OF 2021

Ashok Yoginder Punj & Anr	...Petitioners
<i>Versus</i>	
IDBI Bank & Ors	...Respondents

WITH

WRIT PETITION NO. 2605 OF 2021

Mamta Kishore Apparao & Anr	...Petitioners
<i>Versus</i>	
State Bank of India & Ors	...Respondents

WITH

WRIT PETITION NO. 2944 OF 2021

WITH

INTERIM APPLICATION NO. 1033 OF 2020

Punit Agarwal	...Petitioner
<i>Versus</i>	
Reserve Bank of India & Anr	...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 NO. 3605 OF 2021

WITH

INTERIM APPLICATION NO. 2648 OF 2021

Manjula Bhatia

...Petitioner

Versus

IDBI Bank Ltd & Ors

...Respondents

WITH

WRIT PETITION NO. 3650 OF 2021

Ajit Bhagwan Kulkarni & Ors

...Petitioners

Versus

Bank of Maharashtra & Anr

...Respondents

WITH

WRIT PETITION NO. 4386 OF 2021

Kishor M Howale & Anr

...Petitioners

Versus

The Reserve Bank of India & Ors

...Respondents

WITH

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 5807 OF 2021

Chandra Prakash Madrecha ...Petitioner
Versus
State Bank of India & Anr ...Respondents

WITH

WRIT PETITION (L) NO. 10149 OF 2021

Viraj Chetan Shah ...Petitioner
Versus
Union Bank of India ...Respondent

WITH

WRIT PETITION (L) NO. 13989 OF 2021

RJ Bio-Tech Ltd & Ors ...Petitioners
Versus
State Bank of India & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 14651 OF 2021

Harshwardhan Raghvendra Joshi ...Petitioner
Versus
IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 14653 OF 2021

Meena Raghavendra Joshi ...Petitioner
Versus

IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 14654 OF 2021

Khadkeshwar Hatcheries Ltd & Ors ...Petitioners

Versus

IDBI Bank Ltd & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 16841 OF 2021

MS Ambegaonkar & Anr ...Petitioners

Versus

Union of India & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 20876 OF 2021

Purshottam Chagganlal Mandhana & Ors ...Petitioners

Versus

State Bank of India & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 27716 OF 2021

Olympic Oil Industries Ltd & Ors ...Petitioners

Versus

Indian Overseas Bank ...Respondent

WITH

WRIT PETITION NO. 93 OF 2022

Pranav Constructions Systems Pvt Ltd & Ors ...Petitioners
Versus
Bank of Baroda ...Respondent

INTERIM APPLICATION NO. 483 OF 2022

IN

FIRST APPEAL (L) NO. 23059 OF 2021

Ridge Innovations Pvt Ltd, formerly known as ...Appellants
DSL Enterprises Pvt Ltd, Nashik & Anr
Versus
Bank of Maharashtra, Nashik ...Respondent

WITH

WRIT PETITION NO. 1230 OF 2022

Autocrat Automotive Stamping Pvt Ltd & Ors ...Petitioners
Versus
Bank of India, through its Managing Director and ...Respondents
Chief Executive Officer & Anr

WITH

WRIT PETITION (L) NO. 3725 OF 2022

PSL Corrosion Control Services Ltd & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH

WRIT PETITION NO. 2545 OF 2021

Ravi Arya & Anr ...Petitioners
Versus

The Reserve Bank of India through its Governor ...Respondents
& Ors

WITH

WRIT PETITION NO. 3186 OF 2021

Pratibha Milk Industries & Ors ...Petitioners
Versus
Bank of Baroda & Ors ...Respondents

Mr Akshay Doctor, *with Deepak Deshmukh & Vivek Dwivedi, i/b Naik Naik & Co, for the Petitioners in WP/2605/2021.*

Mr Vishal Maheshwari, *i/b VM Legal, for the Applicants/Petitioners in WPL/16841/2021.*

Mr Dhannya Prasad, *with V Mannadiar, i/b Mannadiar & Co, for Respondent No. 4 in WP/1738/2021 and WP/1743/2021.*

Mr Mukul Taly, *with Sayali Gharpure, i/b S Mahomedbhai & Co, for the Petitioner in ASWP/8016/2019 and FAST/23059/2021.*

Ms Nikita Menon, *i/b Parinam Law Associates, for the Petitioner in WPL/10149/2021.*

Mr Sanjay Anabhawane, *i/b Medha Rane, for Respondent No.1 in WP/8016/2019 and WPST/11454/2019.*

Mr NR Bubna, *for Respondent No. 1 in WPL/16841/2021.*

Mr Mohamedali M Chunawala, *i/b Gul Asnani, for Respondent No.4-Union of India, in WPL/13989/2021.*

Mr Mohamedali M Chunawala, *i/b AA Ansari, for Respondent No.2-Union of India in ASWP/8016/2019 and for Respondent No.1-Union of India, in ASWP/11454/2019.*

Mr Simil Purohit, *with Nikita Vardhan, Raveena Kinkhabwala & Vishal Tiwari, i/b Kanga & Company, for the Petitioner in WP/2852/2019, WP/2856/2019 and WP/3521/2019.*

Mr Akhilesh Dubey, *with Dharmesh Joshi, i/b TD Joshi & Associates, for Petitioners in WPL/9453/2020 and WPL/9456/2020.*

Mrs Rathina Maravarman, *for Respondents Nos. 1 and 2-State Bank of India in WPL/13989/2021, WPL/9453/2020, for Respondent*

No.2-Bank of Baroda in WP/1762/2021, for Respondent No.2- Union Bank of India in WP/1704/2021, for Respondent No.1-Bank of Maharashtra, in WP/3650/2021 and for Respondent No.1-Bank of Baroda in WP/93/2022.

Mr Nikhil Rajani, *with Rupak Swangikar, i/b V Deshpande & Co, for the Respondent No.1-Kotak Mahindra Bank Limited in WPL/9456/2020.*

Ms Nidhi Singh, *with Zoheb Khatri, i/b Indialaw LLP, for Respondent No. 1-South Indian Bank, in WP/1704/2021.*

Mr Onkar Chandurkar, *with Rajesh Devgharkar, i/b Akshay Vijay Kamle, for the Petitioner in WPL/1704/2021.*

Mr Ashwin Shanker, *with Kunal Naik, for Petitioners in WP/3650/2021.*

Ms Kirti Taralkar, *i/b Shiraji Masal, for the Petitioner in WP/4386/2021.*

Mr Shadab S Jain, *i/b Crawford Bayley & Co, for the Petitioner in WPL/20876/2021.*

Mr Digant Bhatt, *i/b IV Merchant & Co, for Respondent No. 4 in WPL/20876/2021.*

Dr Birendra Saraf, Senior Advocate, *with Vivek Patil, i/b Vishnu Chavan, for the Petitioner in WPST/96699/2020.*

Mr Vivek Patil, *i/b Vishnu Chavan, for the Petitioner in WP/3186/2021.*

Ms Adititi Phatak, *with Kirti Ojha, i/b BLAC & Co, for Respondent - RBI in WP/8046/2019, WP/11454/2019 and WP/2545/2021.*

Mr Nirav Shah, *i/b Little & Co, for WPL/5543/2020.*

Mr Mohnish S Jain, *i/b Lex Legal & Partners, for Petitioners in WP/959/2021, WPL/1124/2021, WPL/1538/2021, WP/2369/2021, WP/2392/2021 & WPL/5807/2021.*

Mr Rohit Gupta, *with Siddha Pamecha, Vaibhav Warerkar & Rukshin Chiara, i/b Mulla Associates, for the Petitioner in WP/2843/2021 and WP/2944/2021.*

Mr Nishit Dhruva, *with Prakash Shinde, Niyati Merchant & Yash Dhruva, i/b MDP & Partners, for Respondent No. 1 in WP/2369/2021, WP/3152/2018, WP/3153/2018, WP/2852/2019, WP/2856/2019, WP/3365/2019, WP/3521/2019, WP/3649/2019, WP/3651/2019, WP/1738/2021, WP/1743/2021, WP/2392/2021, for some*

Respondents in WP/2044/2019, WP/10149/2021.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 28th February 2022**

PC:-

1. The entire group is listed for directions. The common issue in all these matters pertains to declaration by one or the other of the banks involved, and said to be in accordance with mandatory RBI guidelines or circulars of the Petitioners as wilful defaulters and which has an impact on the individual concerned.
2. Writ Petition No. 932 of 2022 is to be tagged along with this group. Writ Petition No. 3186 of 2021 is a part of this group. It is not on board. It is taken on board.
3. By a separate order Writ Petition No. 262 of 2021 is detagged from this group as it does not pertain to the subject matter of this group.
4. Some of these Petitions raised substantive challenges not only to the declarations but also to the underlying circulars and perhaps even the guidelines themselves. Those will be addressed separately.
5. In the meantime, as Dr Saraf points out that there are many cases where interim relief has not been rejected but the applications for interim relief have also not come up.

6. We propose, therefore, to separate from this group for a limited purpose those matters in which interim relief is sought but has not been expressly rejected. We will also take only those matters for interim relief where the case of the Petitioners is that there is a procedural irregularity vitiating the declaration as willful defaulters.

7. We request Mr Trivedi, Official Assignee to assist us in this segregation. He will have this entire group listed before him on Thursday, 3rd March 2022 on the Original Side Writ Petition Department. The Advocates for the Petitioners in each of these matters must appear before him that day and identify those Petitions where interim relief is pending (i.e. IA has not been rejected or not pressed) and further where the challenge in the Petition is based on some procedural infirmity or irregularity.

8. If any Petitioner's Advocate does not appear before Mr Trivedi, the matter will be taken up with the main group. All other matters, i.e. where there are larger challenges or where interim relief has been refused will be taken with the main group at the time of final hearing.

9. After we have dealt with the pending IAs we will notify the group separately for final disposal at the earliest.

10. List the entire group on 7th March 2022 along with Mr Trivedi's report for directions.

11. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)