

ITEM NO.8

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 573/2003

CENTRE FOR PUBLIC INTEREST LITIGATION

Petitioner(s)

VERSUS

HOUSING AND URBAN DEVELOPMENT
CORPORATION LTD. & ORS.

Respondent(s)

([TO GO BEFORE THREE HON'BLE JUDGES] [FOR DIRECTIONS]
IA No. 107183/2022 - EARLY HEARING APPLICATION)

Date : 25-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.

For Respondent(s) Mr. Tushar Mehta, Ld.SG
INTervener Mr. Sanjay Kapur, AOR
Ms. Megha Karnwal, Adv.
Mr. Surya Prakash, Adv.
Ms. Akshta Joshi, Adv.
Ms. Aastha Gumber, Adv.
Mr. Arjun Bhatiya, Adv.

Mr. Balbir Singh, Adv.
Ms. Sunita Sharma, Adv.
Mr. Shashank Bajpayee, Adv.
Mr. Prashant S., Adv.
Mr. R.R. Rajesh, Adv.
Mr. Prahlad Singh, Adv.
Ms. Anu Sura, Adv.
Mr. Samarvir Singh, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mrs. Anil Katiyar, AOR

Ms. Ruby Singh Ahuja, AOR

Mr. Pranab Kumar Mullick, AOR
Mrs. Soma Mullick, Adv.
Mr. Sebat Kumar Deuria, Adv.
Mr. Anil Rana, Adv.

Mr. B. Krishna Prasad, AOR

Applicant-in-person, AOR

Mr. P. Parmeswaran, AOR

Mr. Vikas Mehta, AOR

Ms. Nina Gupta, Adv.

Dr. Lalit Bhasin, Adv.

Ms. Radhika Gupta, Adv.

Ms. Ruchika Joshi, Adv.

Ms. Ananya Marwah, Adv.

Mr. Mudit Sharma, AOR

Mr. Jaideep Gupta, Sr. Adv.

Mr. H. S. Parihar, AOR

Mr. Kuldeep S. Parihar, Adv.

Ms. Ikshita Parihar, Adv.

Mr. H. S. Parihar, AOR

Mr. Kuldeep S. Parihar, Adv.

Ms. Ikshita Parihar, Adv.

Mr. Uddyam Mukherjee, AOR

Mr. Rajeev Sharma, Sr. Adv.

Mr. Swapnil Pattanayak, Adv.

Mr. R. Chandrachud, AOR

Mr. D. Venkata Krishna, Adv.

UPON hearing the counsel the Court made the following

O R D E R

IA NO.15957/2023

The SBI sought to intervene in the matter to put forth certain concerns in respect of the subject matter of the present proceedings.

The application is allowed and to the extent some averments have been made, if the petitioner wants to respond to it, they may do so within four weeks or otherwise address on those concerns while we hear other issues.

Writ Petition (Civil) No.573/2003

An affidavit has been filed by the RBI in pursuance to the order dated 07.12.2022. A perusal of the affidavit shows that the recommendations of the committee appointed fell under three heads:

“(i) In respect of seven recommendations, Reserve Bank was, in principle, agreeable to issue suitable directions.

(ii) In respect of eleven recommendations, enabling instructions already existed on the matter to address the concerned issues, and;

(iii) in respect of residual five recommendations, Reserve Bank was not in favour of the proposals of the Committee for the reasons stated in the affidavit dated July 17, 2017.”

We put to the learned senior counsel for the RBI that when it is stated that seven of the recommendations have been accepted in principle by the RBI and suitable directions shall be issued, whether those directions have or have not been issued till date.

Learned counsel submits that he will re-verify the position and if circulars have been issued, copies of them, if not already placed, shall be placed on record and if they have not been issued, the needful will be done within a period of four

weeks from today.

The second category is of 11 recommendations for which instructions are stated to be already existing. The third category is of a residual five recommendations which the RBI is not in favour of and flagged in the earlier affidavit dated 17.07.2017. Learned counsel for the petitioner submits that they will have to make some submissions *qua* this aspect.

The Union of India as usual has not filed the affidavit. We give last opportunity to file the affidavit in respect of areas which concern them as the RBI is taking care as a regulator.

The affidavit must be filed within four weeks on aspects the RBI is not in a position to say one way or the other in view of the role assigned to them *qua* the recommendations of the Committee.

This is in the context of the order already passed by us on 07.12.2022.

List for directions on 15.03.2023 to ensure that all the house keeping tasks are over so that the matter can be set down for hearing as it has now been placed before a Bench of three Judges to take care of the last aspect flagged in our last order.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)