



2026:DHC:1446



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 1928/2026**

Date of Decision: 11.02.2026

IN THE MATTER OF:

RANA HANDA

.....Petitioner

Through: Mr. Kartik Malhotra, Mr. Anindit
Mandal and Mr. Sushant Gautam,
Advocates

versus

BITBNS INTERNET PRIVATE LIMITED & ORS.Respondents

Through: Mr. Dipan Sethi and Mr. Snehashish
Bhattacharya, Advocates.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****J U D G E M E N T****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

The petitioner seems to be aggrieved by the conduct of the respondent no. 1, which is a company that provides a platform for Bitcoin and virtual assets trade.

2. As per the petitioner, there is a void of a legislative framework governing the functioning, operation, and regulation of these companies. He has impleaded various Government Authorities as respondents.

3. As per the case set up by the Petitioner, he joined Respondent No. 1, a cryptocurrency exchange platform, in September 2021. The Petitioner states



that he invested a total sum of ₹14,22,000/-. As on 19.01.2026, the value of the Petitioner's investment with Respondent No. 1 is estimated at ₹5,00,000/-, which is equivalent to 0.12781604 Bitcoin.

4. Since 2021, the Petitioner has withdrawn a total sum of ₹9,22,000/- from his overall investment holdings with Respondent No. 1. However, on 14.05.2025, when the Petitioner sought to withdraw a further sum of ₹1,00,000/-, the said withdrawal request was refused by the portal of Respondent No. 1. It is submitted that a purported withdrawal limit of ₹5,000/- was unilaterally imposed by Respondent No. 1 without any prior notice or justification.

5. The Petitioner further contends that the prevailing market value of his Bitcoin holdings is ₹10,82,558.04/-, whereas the portal of Respondent No. 1 reflects a grossly deflated and manipulated value of ₹6,07,122/-, thereby causing substantial financial prejudice to the Petitioner.

6. The Petitioner has also lodged a complaint dated 24.01.2026 before Respondent No. 11, namely the National Cyber Crime Portal. However, no action has been taken thereon and the said complaint remains unresponded. He, therefore, has prayed for the following reliefs:

“a). Pass an Order directing the Respondent No.2, Respondent No.3, Respondent No.4, Respondent No.8, Respondent No.9 to take steps to implement stricter policies pertaining to the workings of cryptocurrency exchanges dealing in Virtual Digital Assets ;

b). Pass an Order directing the constitution of a Special Investigation Team (SIT) under the Respondent No.10's aegis to conduct an investigation into the Respondent No.1's offences including, but not limited to criminal breach of trust, financial fraud, allegations of cyberattacks and other offences arising from the operational mismanagement at the Respondent No.1



Company;

c). Pass an Order directing the Respondent No.1, Respondent No.12 and Respondent No.13 to jointly and severally release the Petitioner's monies invested by him on the Respondent No.1's cryptocurrency exchange;"

7. If Prayer (B) is considered to be the first prayer, the same seeks a direction for constitution of a Special Investigation Team under the aegis of the Central Bureau of Investigation (CBI). No doubt, the High Court, in exercise of its powers under Article 226 of the Constitution of India, is fully empowered to direct investigation by the CBI. However, such recourse is to be taken only in exceptional circumstances. Reference to the decision of the Supreme Court in *State of W.B. v. Committee for Protection of Democratic Rights*,¹ wherein it was held that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution, to the CBI to investigate an offence is valid in law. However, the Court emphasised that although Article 226 of the Constitution confers wide powers on the High Courts, such powers must be exercised with great caution. An order directing the CBI to conduct an investigation should not be passed as a matter of routine or merely because a party has made allegations against the local police. The Court clarified that this extraordinary power must be invoked sparingly, cautiously, and only in exceptional circumstances where such intervention is truly warranted.

8. Furthermore, in *Sakiri Vasu v. State of Uttar Pradesh*², it has been observed that although the High Court has power to order investigation by the CBI, the same should be done only in rare and exceptional cases,

¹ (2010) 3 SCC 571

² (2008) 2 SCC 409



otherwise the CBI would be flooded with cases and would find it impossible to properly investigate all of them.

9. Reference may also be placed on *Secretary, Minor Irrigation & Rural Engineering Services, U.P. v. Sahngoo Ram Arya*³, wherein the Supreme Court held that such power should be exercised only when the material on record discloses a *prima facie* case calling for investigation by the CBI or any similar agency and that a CBI inquiry cannot be ordered as a matter of routine or merely because allegations are made.

10. There does not seem to be sufficient material placed on record warranting the constitution of a Special Investigation Team. There is no material indicating any exceptional circumstance. There is no F.I.R. registered at the instance of the petitioner. If the petitioner so desires, he may not only take recourse to lodging of an F.I.R., but can also approach the jurisdictional Magistrate in accordance with law. In case of non-registration of F.I.R., appropriate remedies are available under the statutory framework. Hence, the Prayer (B) cannot be acceded to.

11. With respect to Prayer (C), it may be noted that Respondent Nos. 1, 12 and 13 are not “State” within the meaning of Article 12 of the Constitution of India. They are not discharging any public functions. They, therefore, are not amenable to the writ jurisdiction of this Court.

12. Prayer (A) relates to a direction for implementation and framing of stricter policies pertaining to the working of cryptocurrency exchanges dealing in virtual digital assets.

13. A bare perusal of Prayer (A) and Prayer (B) appear to be inconsistent with each other. The petitioner cannot, in one breath, ask for framing of



policy, law and regulations to address the situation faced by him and, in the same breath, seek a direction for investigation under the existing and prevailing law. If there is, as Prayer (B) reveals, a means available under the existing legislative framework to seek redressal of the petitioner's grievance, there appears to be no reason to delve into Prayer (A). There does not appear to be any legislative vacuum or void where the petitioner is rendered remediless

14. Pertinent to note herein that the Writ Court, in the exercise of its inherent power to issue a writ of Mandamus, ordinarily seeks to enforce existing rules and regulations. A statutory duty must exist before it can be enforced through mandamus and unless a statutory duty or right can be read in the provision, mandamus cannot be issued to enforce the same.⁴ If there is no regulation governing the preliminary issue, it is for the legislature to consider and address the matter.

15. At this stage, the Court is also cognizant of the decision of the Supreme Court in *Union of India v. K. Pushpavanam*,⁵ wherein it has been held that no constitutional Court can issue a writ of mandamus to a legislature to enact a law on a particular subject in a particular manner. Thus, it is trite that the Court cannot assume the role of the legislature. Moreover, there does not seem to be justification to direct the legislature to frame any policy as prayed by the petitioner.

16. With respect to prayer C, the petitioner is granted liberty to take appropriate recourse in accordance with law.

³ AIR 2002 SC 222

⁴ Reference to the decision of the Supreme Court in *Hari Krishna Mandir Trust v. State of Maharashtra*, (2020) 9 SCC 356

⁵ (2023) 20 SCC 736



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17. Leaving all questions *qua* the grievance with respect to prayer C open, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 11, 2026

Sh/mj.