



\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision: 10th March, 2025

+ W.P.(C) 2973/2025 & CM APPL. 14086-14087/2025

RAJ KUMAR ROY

.....Petitioner

Through: Mr. Sunil Fernandes, Sr. Advocate
with Mr. Anand Kumar Srivastava,
Ms. Ishita Jain, Mr. Ravi Nair,
Ms. Diksha Dadu and Mr. Mudassir,
Advocates.

versus

RESERVE BANK OF INDIA AND ORSRespondents

Through: Ms. Nisha Sharma and Ms. Tanya
Chowdhary, Advocates for respondent
No.1.
Mr. Sidhartha Barua, Mr. Akash
Mohan Srivastav, Advocates for
respondent No.2/IDBI Bank
(through V.C.)

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The present petition challenges the manner in which the bank account of petitioner, had been declared '*fraud*', vide order dated 28.11.2024 passed by respondent No.2/IDBI Bank.
2. According to petitioner, the decision is in violation of the principles of Natural Justice and also in violation of the *Master Directions* and is also in the teeth of the specific observations appearing in *State Bank of India & Ors. vs. Rajesh Agarwal & Ors.* 2023 SCC OnLine SC 342. The prime grievance is qua not supplying some very material documents including Forensic Audit Report.



3. Learned counsel for respondent No.1/RBI appears on advance notice. Learned counsel for respondent No.2/IDBI Bank has also joined the proceedings through *video conferencing*.
4. Mr. Barua, learned counsel for respondent No.2 admits, at the very outset, that the following documents were not supplied to the petitioner before passing the impugned order:-
 - i. *Forensic Audit Report (FAR) dated March 20, 2019*
 - ii. *Supplementary FARs dated September 13, 2019 & November 14, 2019 (SFARs)*
 - iii. *Transaction Audit Review Report March 2018 (TAR)*
 - iv. *Stock and Receivable Audit Report (SAR) July 5, 2017*
5. Mr. Barua, learned counsel for respondent No.2, in all fairness, submits that, if directed, all the abovesaid documents shall be supplied to the petitioner. He also submits that a personal hearing shall also be given to petitioner and appropriate order shall be passed.
6. Learned counsel for the petitioner highlights one important aspect of the case. He submits that in a connected writ petition i.e. W.P.(C) 17125/2024, the petitioners therein, who were also Directors in the same Company i.e. *Lanco Infratech Limited* had challenged the same very order dated 28.11.2024 (which is also impugned herein) whereby their accounts had been classified as '*fraud*'. Such order dated 28.11.2024 has already been quashed *vide* judgment dated 13.12.2024 of this Court. He, thus, submits that the impugned order does not even survive in view of order dated 13.12.2024 passed by this Court.



7. Learned Senior Counsel for the petitioner, on instructions, submits that in view of the above assurance given by the learned counsel for the Bank, the petitioner does not seek any further relief at the moment, while also supplementing that he had earlier requested the Bank to provide him with the material to show his complicity after he had become Director i.e. after 01.04.2016. According to him, no such document has so far been supplied to him.

8. Learned counsel for the respondent No.2, however, submits that their *show-cause notice* is very clear and all those documents, on which they have issued the *show-cause notice* in question, would be duly supplied and, there is, therefore, no further requirement of supplying any further document, except the ones he has already undertaken above to supply.

9. Be that as it may, it will be entirely for the Bank to consider the abovesaid request made by petitioner of providing him with any document showing his complicity after he became the Director.

10. In view of the abovesaid statement made by Mr. Barua, learned counsel for respondent No.2, the present writ petition is disposed of and order dated 28.11.2024 whereby the account of the petitioner was classified as '*fraud*' is set aside.

11. As undertaken by Mr. Barua, learned counsel for respondent No.2, let the documents, as referred above, be supplied to the petitioner within four weeks and thereafter, as further undertaken, a personal hearing be also given to him.



2025:DHC:1639



12. Needless to say, respondent No.2/Bank shall be at liberty to pass further appropriate order in accordance with law and Master Directions.
13. The petition along with pending applications stands disposed of in aforesaid terms.
14. All rights and contentions of the parties are left open.
15. It is clarified that this Court has not made any observation on merits of the case as such.
16. Copy of the order be given *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

MARCH 10th, 2025
st/pb