

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1706 OF 2018

Microfibers Pvt Ltd

...Petitioner

Versus

Yes Bank Ltd & Ors

...Respondents

Mr Niyam Bhasin, for the Petitioner.

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI
SANJAY
MORMARE
Date: 2025.06.27
15:02:34 +0530

CORAM **M.S. Sonak &
Jitendra Jain, JJ.**
DATED: **26th June 2025.**

ORAL JUDGMENT (Per M.S. Sonak J):

1. Heard learned counsel for the Petitioner. Despite the service, neither any representative of the Bank nor their Advocates are present.

2. The Petitioner has premises in Bombay, and there were considerable difficulties in renting out these premises due to the lack of a Bank account in the name of the Petitioner. Therefore, in January 2018, the Petitioner applied to the Respondent-Bank for the opening of a Bank account. By communication dated 24-26th April 2018, the Respondent-Bank informed the Petitioner that providing an Aadhar Card was mandatory. Without an Aadhar Card, no Bank account can be opened in the name of the Petitioner.

3. The Petitioner represented to the Bank and even pointed out interim orders made by the Hon'ble Supreme Court, suggesting that insisting on an Aadhaar Card for opening a Bank account was not legal or proper. However, since the Respondent-Bank did not yield, the Petitioner instituted this Petition in June 2018.

4. The Respondent-Bank filed a detailed Reply. However, when the matter was taken up by the coordinate Bench comprising BP Dharmadhikari, J (as his Lordship then was) and Sarang Kotwal, J, a statement was made by the Bank that after the decision of the Supreme Court in the case of *Justice Puttaswamy (Retd) & Anr vs Union of India & Ors*,¹ the Respondent-Bank is not insisting upon an Aadhar Card for opening of a Bank account accordingly, a statement was made that the Bank would open a Bank account in the name of the Petitioner without insisting upon an Aadhar Card.

5. The above was recorded in the order dated 29th November 2018, which reads as follows:

- “1. Learned Counsel for Respondent-Bank states that after Judgment of the Hon'ble Apex Court, the Respondent-Bank is not demanding Aadhar Card and is ready and willing to open account of the Petitioner.
2. We direct the Petitioner to contact the Respondent-Bank for that purpose within one week from today.
3. Insofar as the prayer for damages concerned, we permit the Respondent-Bank to file reply.
4. Rule on damages. Hearing expedited.”

¹ Writ Petition (C) No. 494 of 2012.

6. Following the order dated 29th November 2018, the Respondent-Bank opened a Bank account in the name of the Petitioner in January 2019. The learned counsel for the Petitioner confirms this position. He, however, submits that the Rule was issued on the prayer for damages in the order dated 29th November 2018, and the Bank was also given an opportunity to file its reply insofar as the prayer for damages was concerned.

7. We note that despite our order of 29th November 2018, the Respondent-Bank had not bothered to file any reply on the aspect of the prayer for compensation.

8. The learned counsel for the Petitioner submits that from January 2018 to January 2019, the petitioner was unable to rent the premises in Mumbai. He pointed out that the Founder-Director had already passed away and was survived by his 84-year-old wife, one daughter, and the Petitioner. They submitted through the Petitioner that they could gain no income by renting the premises. The learned counsel submitted that the rent in the area was in the range of Rs. 1.5 lakhs per month. Still, compensation of Rs. 10 Lakhs was claimed in the Petition. He submitted that the Court may award this compensation.

9. In April 2018, when the Bank insisted upon the Petitioner's Aadhar Card, there were interim orders made by the Hon'ble Supreme Court in the case of *Justice Puttaswamy* (Supra) operating. The orders *prima facie* suggest that at the relevant time, Bank accounts were to be opened only if a

party could produce proof of having applied for an Aadhaar Card. However, *Justice Puttaswamy's* case was finally disposed of by the Hon'ble Supreme Court on 26th September 2018. The Hon'ble Supreme Court struck down the requirement of providing an Aadhaar Card for opening a Bank account. Therefore, from 26th September 2018 onwards, there was no impediment to the Respondent-Bank opening the Bank account without insisting on the Aadhaar Card. The Bank account was ultimately opened in January 2019 in the name of the Petitioner.

10. Considering the above circumstances, we believe that the claim for compensation in the amount of Rs. 10 Lakhs is exaggerated and cannot be granted. However, we agree with the learned counsel for the Petitioner that there was no justification for not opening the Bank account after 26th September 2018. The Bank account was ultimately opened in January 2019. Therefore, for a period of three to four months, the Petitioner was unable to rent out the premises.

11. In a matter of this nature, we would have ordinarily relegated the petitioner to the alternate remedy. But the Rule was issued on the prayer for compensation in 2018. The Counsel pointed out that the Petitioner does not undertake any business as such, and the renting of the only premises held by the Company provided some relief to the 84-year-old surviving director and her unmarried daughter. Considering these peculiar circumstances, we do not relegate the petitioner to the ordinary remedies.

12. No reply was filed by the Bank on the prayer for compensation, despite an opportunity being granted. At the same time, we cannot ignore the fact that the Respondent-Bank, on 29th November 2018, made a statement that it would open the Bank account without insisting on an Aadhar Card, given the decision of the Hon'ble Supreme Court.

13. Therefore, upon taking into consideration of the above circumstances cumulatively, we direct the Respondent-Bank to pay the Petitioner compensation of Rs. 50,000/- within a period of eight weeks from the date on which the Petitioner provides a copy of this order to the Respondent-Bank.

14. The Rule in this Petition is disposed of with the above directions. There shall, however, be no order as to costs. All concerned are to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M. S. Sonak, J)