IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)
(UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

Mr. Bejon Kumar Misra **Petitioner**

Versus

Union of India and Ors **Respondents**

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Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
Vivek Kumar & Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
New Delhi-110075.
Mobile : 9810615050 & 8800217223

Place: New Delhi

Date: 21.10.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
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COUR FEES

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105-B. First Floor,
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IN THE HIGH COURT OF DELHI AT NEW DELHI

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<u>IN THE MATTER OF:</u>

Mr. Bejon Kumar Misra **Petitioner**

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Union of India and Ors **Respondents**

<u>NOTICE OF MOTION</u>

To

The Standing Counsels

1. Union of India

   Through the Cabinet Secretary

   Cabinet Secretariat Rashtrapati Bhawan,

   New Delhi-110004 **... RespondentNo.1**

2. Punjab & Maharashtra Cooperative Bank Ltd.

   (Through its Manager)

   Phone No. 011-28567094, 95

   B-15, Ramdutt Enclave, Near Metro Station, Uttam Nagar, New Delhi 110059. **... Respondent No.2**

3. Punjab & Maharashtra Cooperative Bank Ltd.

   (Through its Manager)

   Phone No. 9511-29241400-1401

   240 Kailash Colony

   New Delhi 110046. **... Respondent No.3**

4. Punjab & Maharashtra Cooperative Bank Ltd.

   (Through its Manager)

   Phone No. 011-26685507, 08, 09

8020, Near L Block,

Gurdwara Road, Malviya Nagar,

New Delhi 110017. ... **Respondent No.4**

5. Punjab & Maharashtra Cooperative Bank Ltd.

(Through its Manager)

Phone No. 011-65027869

667, Double Storey, Main Najafgarh Road,

Opp. Metro Station, Tilak Nagar,

New Delhi - 110 018. ... **Respondent No.5**

6. Ministry of Finance,

Government of India

Through the Secretary

Office of the Finance Minister, North Block,

New Delhi – 110001 ... **RespondentNo.6**

7. The Govt of NCT of Delhi,

Through the Chief Secretary

Near, Sachivalaya Road, IG Indoor Stadium,

ITO, Vikram Nagar,

New Delhi-110002 ... **RespondentNo.7**

8. Reserve bank of India

Through its Governor,

6, Sansad Marg,

New Delhi - 110001 ... **RespondentNo.8**

9. Deposit Insurance & Credit Guarantee Corporation,

Reserve Bank of India,

2nd Floor, Opp. Mumbai Central Railway Station, Byculla, Mumbai 400 008. ... **RespondentNo.9**

Sirs,

Please find attached copy of the petition to be filed by us on behalf of Petitioners. The same is likely to be listed before the Hon'ble Court on **01.11.2019** or any day subsequent thereto.

You are requested to kindly take note of the same.

Yours Sincerely

Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
& Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
New Delhi-110075.

Place: New Delhi

Date: 21.10.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
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IN THE MATTER OF:

Mr. Bejon Kumar Misra **Petitioner**
Versus
Union of India and Ors **Respondents**

URGENT APPLICATION

To,

The Registrar General,
High Court of Delhi,
Sher Shah Suri Road,
At New Delhi
Sir,

Kindly treat the accompanying petition as an urgent one in accordance with High Court Rules and orders.

The grounds of urgency are:

"Approximately 1500000 bank depositors around the country including Delhi have been restrained from withdrawal of their hard earned money from PMC Co-operative Bank and yet the deposited amount of those innocent and gullible depositors are not secured".

Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
Vivek Kumar & Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
New Delhi-110075.
Mobile : 9810615050 & 8800217223

Place: New Delhi

Date: 21.10.2019

Synopsis

That present public interest litigation (PIL) is being filed for laying down the comprehensive and exhaustive guidelines arising out of deja-vu situation occurring on regular interval in our country leading to a disastrous consequences like the hard earned money of the common people are being looted and plundered by few influential and unscrupulous people making them financially orphan and resourceless. The spectacle of heartening and devastating situation poses serious questions on the institutional efficacy of the respondents for the purpose of protection of the common man in conformity to the constitutional obligations and statutory requirement. It is imperatively mentioned that our country has minimum governance on the banking sector leading to numerous scams and host of financial syndicates are taking advantage of the lacunas and loopholes in the existing laws and formulated regulations, pressuring the common people to part away with their hard earned financial resources to the dishonest manipulators without having adequate information and knowledge. Additionally, it is aptly stated that the respondent No. 8 which is entrusted nodal agency to regulate the operations and workings of various financial instructions in our country are completely inadequate to prevent such financial lootings. The ineffectiveness of the respondents had contributed in snowballing the crisis into major catastrophe where every part of the country had been dragged into wide spread protests against public lootings and plundering. Thus, the petitioner being moved at the pathetic financial plight of the common people across the country, has decided to come to this Hon'ble Court for effective remedy by ensuring the constitutional guarantee under article 14, 19 and 21 of the Constitutions of India and doing away all the discriminatory and arbitrary rules and regulations which are causing the cracks through which few unscrupulous people are fleeing scot free damaging the financial structure of the country and in majority of the cases, these unscrupulous people are directly responsible for untimely and unfortunate deaths of the numerous innocent depositors who can not bear the financial penury being imposed on account of mis-management of various financial institutions.

That it is submitted that it is common knowledge That it is submitted that the Deposit Insurance and Credit Guarantee Corporation (DICGC) 1961 i.e. respondent No. 9 is a subsidiary of RBI, which was set up under the act of the Parliament for the purpose of insurance of deposits and guaranteeing the credit facilities. However, the said act does not provide for 100% insurance to all types of deposits like saving deposit, term deposit is not covered by DICGC. There are the other areas like the government and interbank deposits are also not covered under the said acts. It is further submitted that deposits of state land development banks with state co-operative banks are not covered under the said act. In addition to aforesaid, the most glaring lacuna in the insurance cover in the banking is the limit of insurance is caped at Rs 100000/- only for both principal and interest and this policy has been for last 26 years without any kind of its reviewing and amendments which are completely arbitrary in as much as entire financial land scape of the country has undergone change beyond any recognition. It is further emphasized that the co-operative structure, it can not have a professional board. The board of directors of the co-operative banks are elected by the banks' members and the process is often gamed by politicians to gain control of the co-operative banks. It is further submitted that the politicians also willed a lot of influence to manipulate and bend the rules and regulations for their own advantages. It is further submitted that the co-operative banks with their paid-up share capital and reserves of more the Rs 100000/- only were brought under the provisions of Banking Regulation Act 1949 keeping of dual regulation of Urban Co-operative Banks (UCBs) that continues to this date. While the state registrar of the co-operative banks regulates their banking function. Multi state UCBs comes under the ambit of Central Registrar of Co-operative Society. Therefore, duality in control are leading to scaping any detection of the irregularities in the UCBs. Further UCBs do not need the RBI approval to appoint the chief executive unlike commercial banks.

The Petitioner being a social activist has approached to Hon'ble Supreme Court for an interim protection of victim depositors of PMC Co-operative and issuance of direction to respondents to regulate the Banks to generate faith of depositors in banking vide Writ Petition bearing No. W.P. (Civil) No. 1280 of 2019, which has been disposed off by Hon'ble Supreme Court with liberty to approach to Hon'ble High Court

Hence this writ petition in the interest of public at large.

DATES AND EVENTS

Dates	Events
23.09.2019	The respondent have issued the direction dated 23.09.2019 for limited withdrawal of amount by restraining the innocent depositors of PMC Co-operative bnaks.
24.09.2019	The directions dated 24.09.2019 under Section 35A of the Banking Regulation Act, 1949 (AACS) issued by RBI to Punjab and Maharashtra Cooperative Bank Limited, Mumbai, Maharashtra
26.09.2019	The directions dated 26.09.2019 under Section 35A of the Banking Regulation Act, 1949 (AACS) issued by RBI to Punjab and Maharashtra Cooperative Bank Limited, Mumbai, Maharashtra
30.09.2019	The directions dated 30.09.2019 under Section 35A of the Banking Regulation Act, 1949 (AACS) issued by RBI to Punjab and Maharashtra Cooperative Bank Limited, Mumbai, Maharashtra
03.10.2019	The directions dated 03.10.2019 under Section 35A of the Banking Regulation Act, 1949 (AACS) issued by RBI to Punjab and Maharashtra Cooperative Bank Limited,

	Mumbai, Maharashtra
11.10.2019	The directions dated 11.10.2019 under Section 35A of the Banking Regulation Act, 1949 (AACS) issued by RBI to Punjab and Maharashtra Cooperative Bank Limited, Mumbai, Maharashtra
18.10.2019	The Petitioner being a social activist has approached to Hon'ble Supreme Court for an interim protection of victim depositors of PMC Co-operative and issuance of direction to respondents to regulate the Banks to generate faith of depositors in banking vide Writ Petition bearing No. W.P. (Civil) No. 1280 of 2019, which has been disposed off by Hon'ble Supreme Court with liberty to approach to the Hon'ble High Court.
	Hence the Writ Petition in public interest.

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In matter of:

Mr. Bejon Kumar Misra .... Petitioner

Versus

Union of India and Ors ... Respondents

MEMO OF PARTIES

IN THE MATTER OF:

1. Bejon Kumar Misra
S/o Late Sh. Satyendra Nath Misra,
R/o F-9, Second Floor, Kailash Colony,
New Delhi-110048 ... **Petitioner**

VERSUS

1. Union of India
Through the Cabinet Secretary
Cabinet Secretariat Rashtrapati Bhawan,
New Delhi-110004 ... **RespondentNo.1**

2. Punjab & Maharashtra Cooperative Bank Ltd.
(Through its Manager)
Phone No. 011-28567094, 95
B-15, Ramdutt Enclave, Near Metro Station, Uttam Nagar,
New Delhi 110059. ... **Respondent No.2**

3. Punjab & Maharashtra Cooperative Bank Ltd.
(Through its Manager)
Phone No. 9511-29241400-1401
240 Kailash Colony
New Delhi 110046. ... **Respondent No.3**

4. Punjab & Maharashtra Cooperative Bank Ltd.
(Through its Manager)
Phone No. 011-26685507, 08, 09
8020, Near L Block,
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667, Double Storey, Main Najafgarh Road,
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6. Ministry of Finance,
Government of India
Through the Secretary
Office of the Finance Minister, North Block,
New Delhi – 110001 ... **RespondentNo.6**

7. The Govt of NCT of Delhi,
Through the Chief Secretary
Near, Sachivalaya Road, IG Indoor Stadium,
ITO, Vikram Nagar,
New Delhi-110002 ... **RespondentNo.7**

8. Reserve bank of India
Through its Governor,
6, Sansad Marg,
New Delhi - 110001 ... **RespondentNo.8**

9. Deposit Insurance & Credit Guarantee Corporation,
Reserve Bank of India,

2nd Floor, Opp. Mumbai Central Railway Station,

Byculla, Mumbai 400 008. **... RespondentNo.9**

Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
& Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
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Mobile : 9810615050 & 8800217223

Place: New Delhi

Date: 21.10.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
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WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

In matter of:

Mr. Bejon Kumar Misra .... Petitioner

Versus

Union of India and Ors ....Respondents

PUBLIC INTEREST LITIGATION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT, ORDER OR DIRECTION IN NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER/DIRECTION OR DIRECTIONS FOR AN INTERIM PROTECTIVE MEASURES TO INSURE THE VICTIM DEPOSITORS WHOSE HARD-EARNED MONEY IS LYING BLOCKED IN PMC CO-OPERATIVE BANK AND/OR FOR ISSUANCE OF EXHAUSTIVE AND COMPREHENSIVE GUIDELINES TO SAFEGUARD THE BANKING AND CO-OPERATIVE DEPOSITS IN THE EVENTUALITY OF EMERGENCY FINANCIAL CRISIS WHERE COMMON PEOPLE ARE FINANCIALLY STRANDED BY THE ACTS OF FEW UNSCRUPULOUS PERSONS WHICH EVENTUALLY LEADING TO VARIOUS PERSONAL IRREVERSIBLE CATASTROPHES AND/OR ISSUANCE OF DIRECTION TO RESPONDENT NO. 1 AND RESPOMDENT NO. 8 FOR COMPLETE INSULATION

AND INSURANCE OF THE HARD EARNED DEPOSITED MONEY OF THE COMMON PEOPLE IN VARIOUS CO-OPERATIVE BANKS INCLUDING NATIONALIZED BANKS BY ENACTING OF AN APPROPRIATE MEASURES IN NATURE OF 100% INSURANCE COVERAGE TOWARDS THEIR HARD EARNED DEPOSITED AMOUNT AND/OR ISSUANCE OF DIRECTION TO CONSTITUTE HIGH POWERED COMMITTEE FOR LOOKING INTO THE COMPLETE AFFAIRS OF WORKING AND THEIR OPERATION IN ALL CO-OPERATIVE BANKS IN ORDER TO HAVE ROBUST AND TRANSPARENT MECHANISM WHICH CAN INSPIRE THE CONFIDENCE OF THE COMMON PEOPLE IN CO-OPERATIVE BANKS AND/OR TO ISSUE AN APPROPRIATE DIRECTION THEREBY QUASH/SET ASIDE THE NOTIFICATIONS/ DIRECTIVES DATED 23.09.2019, 24.09.2019, 26.09.2019, 03.10.2019 AND 11.10.2019 DECLARING THEM AS ULTRA-VIRUS OF THE FUNDAMENTAL RIGHTS OF THE CITIZEN WHICH GUARANTEED UNDER ARTICLE 14, 19 AND 21 OF CONTESTATION OF INDIA AND/OR TO ISSUE AN APPROPRIATE DIRECTION TO RESPONDENT NO. 08 FOR IMMEDIATELY EXERCISING THE POWER UNDER THE PROVISIONS OF DICGC ACT 1961 TO PROVIDE COMPLETE FINANCIAL INSURANCE AS PER THE RESPECTIVE DEPOSITS OF THE DEPOSITORS UNLIKE EXISTING INSURANCE COVER FOR RS 100000/- ONLY

IRRESPECTIVE OF ANY AMOUNT OF DEPOSITS.

TO,

THE HON'BLE CHIEF JUSTICE
AND THE COMPANION JUSTICES
OF THE HON'BLE HIGH COURT OF DELHI

The Petitioner above named most humbly submits as under:

MOST RESPECTFULLY SHOWETH:-

1. The Petitioner herein is constrained to file instant writ petition in public interest under Article 226 and 227 of the Constitution of India for issuance of direction in nature of mandamus or any other appropriate writ, order/direction or directions for issuance of direction as an interim protective measures for insuring all the consumers/depositors whose hard-earned money is blocked in PMC Co-operative and/or for issuance of an exhaustive and comprehensive guideline to safeguard the banking and co-operative deposits in the eventuality of emergency financial crisis where common people are financially stranded by the acts of few unscrupulous persons which eventually leading to various personal irreversible catastrophes and/or for issuance of an appropriate direction thereby quash/set aside the notifications/ directives dated 23.09.2019, 24.09.2019, 26.09.2019, 03.10.2019 and 11.10.2019 declaring them

as ultra-virus of the fundamental rights of the citizen which guaranteed under article 14, 16 and 21 of contestation of India. The copy of the said notifications/directive dated 23.09.2019, 24.09.2019, 26.09.2019, 03.10.2019 and 11.10.2019 are being annexed herewith and marked as **Annexure P-1 (Colly)**.

2. That it is submitted that the petitioner had approached the Hon'ble Supreme Court of India for immediate protection of the victims depositors of PMC Co-operative banks however the hon'ble Supreme Court has disposed off the same with liberty to approach the hon'ble High Court. Hence the petitioner being social activist and aggrieved by the pains and continuous suicidal deaths the victims depositors of PMC Co-operative Banks, is approaching under the jurisdiction of this Hon'ble Court for immediate directions as mentioned in the prayers of this writ petition in the interest of public at large.

Petitioner's Credential

3. That it is submitted that the petitioner has been at the forefront in raising the voice of the consumers for more than thirty-three years in the country on wide ranging issues concerning the rights of the consumers including working on policy issues with the Government and the service providers. The petitioner has been regularly

highlighting the violations of the consumer rights in various Government and private forum for its immediate rectification and correction in the interest of the consumers. The petitioner has been organizing several awareness programmes for the rights of consumers throughout the country. The petitioner is committed and dedicated in building consumer awareness in India and create consumer-friendly environment in our country to assure fair and ethical business practices prevail in our country. The petitioner has no personal interest, or private/oblique motive in filing the instant petition. There is no civil, criminal, revenue or any litigation involving against the petitioner, which has or could have a legal nexus with the issues involved in the PIL.

4. That it is submitted that the petitioner has unblemished record of relentlessly contributing towards ensuring the rights of the innocent consumers of the country and is having average financial resource to pay the cost in case the Hon'ble Court finds this PIL to be without any cause of action. Further the petitioner undertakes that in case any cost is imposed by this Hon'ble Court, the Petitioner has the means to pay the same and shall pay the same.

5. That it is submitted that the petitioner is a citizen of India and has been at the forefront on raising awareness

amongst the consumers on their rights and responsibilities. He has been actively involved in promoting consumer protection policies in our country. The petitioner has been working for more than thirty-five years in the country on wide ranging issues concerning the rights of the consumers including working on policy issues with the Government and the service providers. The petitioner is nationally and internationally reputed consumer policy expert and was a member of the Food Safety and Standards Authority of India (FSSAI) and of the Central Advisory Committee of FSSAI. The petitioner is also associated with several consumer related issues and has been instrumental in bringing certain laws and its enforcement to protect the rights of the consumers throughout the country. The petitioner has been regularly highlighting the violations of the consumer rights in various Government and private fora for its immediate rectification and correction in the interest of the consumers. The petitioner has been organizing several awareness programmes for the rights of consumers throughout the country. The petitioner is committed and dedicated in building consumer awareness in India and facilitate in creating a consumer-friendly environment in the country to assure fair and ethical business practices prevail in our country. The social contribution of the petitioner has been fully acknowledged by various national and international agencies. Recently, the petitioner raised several issues relating to the health of citizens of our country before this Hon'ble Court. The petitioner has unblemished record of relentlessly contributing towards ensuring the rights of the innocent consumers of the country.

6. That it is submitted that the petitioner, along with the Government of India, has also conceptualized and founded several important projects for the Ministries of the Government including inter alia the following.

   (a) The Ministry of Chemicals and Fertilizers, Department of Pharmaceuticals, commissioned the Petitioner to manage a helpline on generic medicines and other related information associated with the accessibility and affordability of medicines in India.

   (b) The Petitioner is also responsible for the foundation, development and management of the CORE Centre (www.core.nic.in) which is a Consumer Online Research and Empowerment Centre funded by the Department of Consumer Affairs, Government of India.

(c) On 26.04.2011, this Hon'ble Court allowed the Civil Appeal of the petitioner's Organization and held that the collection of Airport Development Fee (ADF) on ad-hoc basis was ultra vires and illegal, reported in 2011 (5) SCC 360 titled as "Consumer Online Foundation Versus Union of India & Ors."

7. That the Petitioner has not political affiliation to nor membership of any political party. The Petitioner further submits that he has never held any post of any national or regional political party. The Petitioner never directed his attention towards evaluation and interfering in the working of any State of Central Government or authorities.

Details of Petition Filed Earlier by the petitioner

8. That it is submitted that the petitioner is nationally and internationally reputed consumer policy expert and was a member of the Food Safety and Standards Authority of India (FSSAI) and the Central Advisory Committee of FSSAI. The petitioner is also associated with several consumer related issues and has been instrumental in bringing certain laws and its enforcement to protect the rights of the consumers throughout the country. The social contribution of the petitioner has been fully acknowledged by various national and international agencies. It is pertinent to mention here that the petitioner

being a consumer activist approaching the various hon'ble courts with prayers in interest of public at large. The details of the petitions vide which the petitioner have already approached to various Hon'ble court is set out as under:

Sr. No.	Case No.	Case Title	Name of the court/commission	Outcome
(a)	CC/1412/2016 And CC/1411/2016	Consumer Online Foundation Vs. M/s Supertech Ltd	NCDRC	Both complaints were dismissed vide order dated 31.10.2017 with liberty to avail such a remedy other than filing a consumer complaint as may be available to it in law.
(b)	C.A.No.3611-3614 of 2011	Consumer Online Foundation vs Union of India &Ors	Supreme Court of India	Civil appeal allowed vide order dated 26.04.2011. Landmark Judgment reported in (2011) 5SCC 360.
(c)	SLP (C) No. 6357/2009	Consumer online Foundation vs. Union of India & Ors.	Supreme Court of India	SLP was disposed vide order dated 26.08.2011 in view of alternate remedies.
(d)	LPA 286/2009	Consumer online Foundation vs Consumer Coordination Council & Anr.	Supreme Court of India	Vide order dated 07.07.2009 the Appeal was disposed off.
(e)	W.P.(c) No. 9784/200	Consumer Online	Delhi High	Vide order dated 29.08.2009 the

	9	Foundation Vs Consumer Coordination Council & Anr	Court	Writ Petition was disposed off.
(f)	W.P.(C) No. 9316/2009	Consumer Online Foundation vs. Union of India	Delhi High Court	Vide order dated 26.08.2009 theWrit Petition was disposed off.
(g)	W.P.(C) No.3893/2011	Consumer Online Foundation vs. Union of India	Delhi High Court	Vide order dated 01.06.2011 the Writ Petition was disposed off.
(h)	W.P.(C) No.3924/2011	Consumer Online Foundation vs. Union of India & Ors., (Justice V.K. Jain)	Delhi High Court	Vide order dated 21.11.2013 theWrit petition was disposed off.
(i)	C.A. No.3613/2011	Consumer Online Foundation vs. Union of India & Ors.	Delhi High Court	Vide order dated 26.04.2011 the Writ Petition was disposed off.
(j)	W.P.(C).No. 2011/2012	Consumer Online Foundation Vs. Airports Economic Regulatory Authority and Ors.	Delhi High Court	Vide order dated 01.11.2013 the Writ petition was disposed off.
(k)	C.A.No 9329/2013	Consumer Online Foundation Vs. Airports Economic Regulatory Authority and ors.	Delhi High Court	Vide order dated 01.11.2013 the Writ petition was disposed off.

(l)	W.P.(C) No. 1749/2012	Consumer Online Foundation Vs. Union of India and ors.	Delhi High Court	Vide order dated 28.03.2012 the writ petition was disposed off.
(m)	W.P.(C) No. 274/2015	Consumer Online Foundation Vs. New Okhla Industrial Development Authority & Ors.	Delhi High Court	Vide order dated 14.05.2015 the writ petition was disposed off.
(n)	CCI/Case No. 02/2009	Consumer Online Foundation Vs. New Okhla Industrial Development Authority & Ors	Competition Commission of India	Vide order dated 24.03.2011 the writ petition was disposed off.
(o)	C.P (C) No. 4958 of 2018	Mr Bejon Kumar Misra Vs. Union of India & Ors	Delhi High Court	Notice issued to respondents vide order dated 09.05.2018 and further listed on 08.08.2018 for hearing.
(p)	W. P. (Crl) 102 of 2018	Bejon Kumar Misra Vs. Union of India	Supreme Court of India	Notice issued vide order dated 16.05.2018 to Ld. Attorney General for submission of information about the factual aspects from concerned authorities. Further the same is listed in the month of August 2018.
(q)	WP (C)/ 4958 of 2018 (PIL)	Mr Bejon Kumar Misra Vs. Union of India & Ors	Delhi High Court	The PIL filed for capping of airfare which is pending for adjudication.

(r)	WP (C)/ 9283 of 2018	Mr Bejon Kumar Misra Vs. Govt of NCT of Delhi & Ors	Delhi High Court	The PIL filed for implementation of Clinical Establishment Act 2010 which is pending for adjudication.
(s)	Application in WP (C)/ 2688 of 2019	Focus Brand Trading Ind Pvt Ldt Vs. Bejon Kumar Misra	Delhi High Court	The application for intervener respondent filed with prayer to regulate the sale of E-Cigarettes which is pending for adjudication
(t)	Writ Petition (Civil) No.	Bjon Kumar Misra Versus Union of India	Supreme Court of India	The writ petition filed on behalf of the petitioner for protection of approximately 1500000 depositors whose hard earned money are arbitrarily laying blocked by the respondents bank.

Brief facts of case

9. That it is submitted that the factual matrix leading to the filing of this writ petition is being set out as under:

(a) That it is common knowledge that the Deposit Insurance and Credit Guarantee Corporation (DICGC) 1961 i.e. respondent No. 9 is a subsidiary of RBI, which was set up under the act of the Parliament for the purpose of insurance of deposits and guaranteeing the credit facilities. However, the said act does not provide for 100% insurance to all types of deposits like saving deposit, term deposit is not covered by DICGC. There are the other areas like the government and interbank deposits are also not covered under the said acts. It is further submitted that deposits of state land development banks with state co-operative banks are not covered under the said act. In addition to aforesaid, the most glaring lacuna in the insurance cover in the banking is the limit of insurance is caped at Rs 100000/- only for both principal and interest and this policy has been for last 26 years without any kind of its reviewing and amendments which are completely arbitrary in as much as entire financial land scape of the country has undergone change beyond any recognition. It is further emphasized that the co-operative structure, it can not have a professional board. The board of directors of the co-operative banks are elected by the banks members and the process is often gamed by politicians to gain control of the co-operative banks. It is further submitted that the politicians also willed a lot of influence to manipulate and bend the rules and regulations for their own advantages. It is further submitted that the co-operative banks with their paid-up share capital and reserves of more the Rs 100000/- only were brought under the pervious of

Banking Regulation Act 1949 keeping of dual regulation of Urban Co-operative Banks (UCBs) that continues to this date. While the state registrar of the co-operative banks regulates their banking function. Multi state UCBs comes under the ambit of Central Registrar of Co-operative Society. Therefore, duality in control are leading to scaping any detection of the irregularities in the UCBs. Further UCBs do not need the RBI approval to appoint the chief executive unlike commercial banks.

(b) That the respondents had not taken any emergency steps towards the protection of hard-earned money of victim depositors of PMC Co-operative bank.

(c) That the interest of affected victim depositors should be given the highest priority and who so ever responsible for the present financial crisis should be made accountable to the losses suffered by the affected victim depositors. It is a common knowledge that co-operative and nationalized banks of our country having only insured for Rs 100000/- with principal and interest money towards their entire deposited amount irrespective of each depositor. Hence, an immediate amendment to the existing laws and appointment of an effective single regulator is the need of the hour to protect the interest of the innocent depositors and regulate all the financial affairs in an open and transparent manners to avoid such situation of financial crisis.

PROVISION OF LAW

10. That it is submitted that the relevant provisions of law under Banking Regulation Act 1949, applicable to the present writ petition are reproduced here in below for ready reference:

Sr. No.	**Section**	**Particulars**
(i)	5(B)	"banking" means the accepting, for the purpose of lending or investment, of deposits of money from the public, repayable on demand or otherwise, and withdrawal by cheque, draft, order or otherwise;
	5 (C)	"banking company" means any company which transacts the business of banking1 [in India]; Explanation.--Any company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public merely for the purpose of financing its business as such manufacturer or trader shall not

		be deemed to transact the business of banking within the meaning of this clause;
	5 CA	"banking policy" means any policy which is specified from time to time by the Reserve Bank in the interest of the banking system or in the interest of monetary stability or sound economic growth, having due regard to the interests of the depositors, the volume of deposits and other resources of the bank and the need for equitable allocation and the efficient use of these deposits and resources;
	35A	Power of the Reserve Bank to give directions. — (1) Where the Reserve Bank is satisfied that (a) in the public interest; or in the interest of banking policy; or (b) to prevent the affairs of any banking company being conducted in a manner detrimental to the interests of the depositors or in a manner prejudicial to the interests of the banking company; or

		(c) to secure the proper management of any banking company generally, it is necessary to issue directions to banking companies generally or to any banking company in particular, it may, from time to time, issue such directions as it deems fit, and the banking companies or the banking company, as the case may be, shall be bound to comply with such directions. (2) The Reserve Bank may, on representation made to it or on its own motion, modify or cancel any direction issued under sub-section (1), and in so modifying or cancelling any direction may impose such conditions as it thinks fit, subject to which the modification or cancellation shall have effect.
	36A CA	Supersession of Board of Directors in certain cases (1) Where the Reserve Bank is satisfied, in consultation with the Central Government, that in the public interest or for preventing the affairs of any banking company being conducted in a manner

		detrimental to the interest of the depositors or any banking company or for securing the proper management of any banking company, it is necessary so to do, the Reserve Bank may, for reasons to be recorded in writing, by order, supersede the Board of Directors of such banking company for a period not exceeding six months as may be specified in the order: PROVIDED that the period of supersession of the Board of Directors may be extended from time to time, so, however, that the total period shall not exceed twelve months. (2) The Reserve Bank may, on supersession of the Board of Directors of the banking company under sub-section (1) appoint in consultation with the Central Government for such period as it may determine, an Administrator (not being an officer of the Central Government or a State Government) who has experience in law, finance, banking, economics or accountancy. (3) The Reserve Bank may issue such directions to the Administrator

		as it may deem appropriate and the Administrator shall be bound to follow such directions. (4) Upon making the order of supersession of the Board of Directors of a banking company, notwithstanding anything contained in the Companies Act, 1956(1 of 1956),-- (a) the Chairman, Managing Director and other Directors shall, as from the date of supersession, vacate their offices as such; (b) all the powers, functions and duties which may, by or under the provisions of the Companies Act, 1956(1 of 1956) or this Act, or any other law for the time being in force, be exercised and discharged by or on behalf of the Board of Directors of such banking company, or by a 1 Inserted by Act 4 of 2013, w.e.f. 18-1-2013 1 Parts IIB and IIC (sections 36 AD to 36 AJ) Inserted by Act 58 of 1968, w.e.f. 1-2-1969. 73 resolution passed in general meeting of such banking company, shall, until the Board of Directors of such banking company is reconstituted, be exercised and discharged by the

		Administrator appointed by the Reserve Bank under sub-section (2): PROVIDED that the power exercised by the Administrator shall be valid notwithstanding that such power is exercisable by a resolution passed in the general meeting of such banking company. (5) The Reserve Bank may constitute, in consultation with the Central Government, a committee of three or more persons who have experience in law, finance, banking, economics or accountancy to assist the Administrator in the discharge of his duties. (6) The committee shall meet at such times and places and observe such rules of procedure as may be specified by the Reserve Bank. (7) The salary and allowances to the Administrator and the members of the committee constituted under sub-section (5) by the Reserve Bank shall be such as may be specified by the Reserve Bank and be payable by the concerned banking company. (8) On and before the expiration of two months before

		the expiry of the period of supersession of the Board of Directors as specified in the order issued under subsection (1), the Administrator of the banking company, shall call the general meeting of the company to elect new Directors and reconstitute its Board of Directors. (9) Notwithstanding anything contained in any other law or in any contract, the memorandum or articles of association, no person shall be entitled to claim any compensation for the loss or termination of his office. (10) The Administrator appointed under sub-section (2) shall vacate office immediately after the Board of Directors of such banking company has been reconstituted.] 1
	56(CCI)	"Co-operative bank" means a state co-operative bank, a central co-operative bank and a primary co-operative bank;
	56 (CCIIA)	"Co-operative society" means a society registered or deemed to have been registered under any Central Act for the time being in force relating to the multi-State co-operative societies, or any other

		Central or State law relating to co-operative societies for the time being in force;
	(CCC IIIA)	"multi-State co-operative bank" means a multi-State co-operative society which is a primary co-operative bank"
	(CCII IB)	"multi-State co-operative society" means a multi-State co-operative society registered as such under any Central Act for the time being in force relating to the multi-State co-operative societies but does not include a national co-operative society and a federal co-operative;
	56 (CCV)	"primary co-operative bank" means a co-operative society, other than a primary agricultural credit society, (1) the primary object or principal business of which is the transaction of banking business; (2) the paid-up share capital and reserves of which are not less than one lakh of rupees; and (3) the bye-laws of which do not permit admission of any other co-operative society as a member: Provided that this

		sub-clause shall not apply to the admission of a co-operative bank as a member by reason of such co-operative bank subscribing to the share capital of such co-operative society out of funds provided by the State Government for the purpose;

QUESTION OF LAW

11. That it is submitted that in the circumstances mentioned herein above and below, the pertinent question of law emerges for consideration and determination which are set out as under:-

(a) **Whether**, the full insurance coverage for money of depositors under bank insurance scheme is urgently need of hour, considering the reoccurrence of financial scams in the co-operative and nationalized banks, undermining the trust and confidence of the common depositors in the banking system ?

(b) **Whether**, the RBI i.e. respondent No. 08 should exercise the power in terms of Section 16 (1) of the DICGC Act 1961 which empowers for raising the limit of insurance cover with approval of the Central Government in the volatility of the financial situation prevailing over the PMC Co-operative bank leading to routine suicide deaths of common and innocent depositors of PMC Co-operative bank ?

(c) **Whether**, the respondents are legally and statutorily bound to protect the right of lives of the common bank depositors, which are being flagrantly violated and the respondents had failed to protect the constitutional guarantee under article 21 of the constitution of India, where the lives of the common people are under threat and the state instrumentalities have not able to arrest the spate of unfortunate deaths across the country ?

(d) **Whether**, there is an urgent requirement of solitary regulator for the purpose of overseeing all types of banking in order to prevent the wide scale scams and financial frauds affecting the economy of the country ?

(e) **Whether**, there is a requirement of comprehensive overhauling of all the co-operative banks including the nationalized banks at micro and macro level to ensure financial accountability towards the depositors ?

(f) **Whether**, the circulars dated 23.09.2019, 24.09.2019, 26.09.2019, 03.10.2019 and 11.10.2019 passed under section 35A of Banking Regulation Act 1949 are ultra-vires of the article 14 and 21 of the Constitution of India ?

GROUNDS

12. That it is submitted that being aggrieved by financial sufferings of thousands of innocent depositors of PMC Co-operative banks, the question of accountability and propriety must be addressed to inspire the confidence of the crores of the people in the banking systems. The recent incident of financial fiasco of the PMC Co-operative Bank which caused mass erosion of the public confidence in the banking system of our country. Being consumer activist, thousands of the depositors have approached the petitioner for remedial action. Hence the petitioner is socially obligated to raise this issue before this Hon'ble Court by this petition of public interest litigation on the grounds inter-alia the following grounds as mentioned herein bellow :-

(a) **Because**, the thousands of depositors across the country are grappling the financial hardships by arbitrary circular issued by the respondent No.5, which leads to limit the withdrawal of their own money initially up to Rs 10000/- only and subsequently to Rs 25000/-. Hence, the said arbitrary and discriminatory act of respondent No.5 is ultra-vires of the provision of the Constitution of India.

(b) **Because**, the instant circumstances had highlighted that there is no financial protection to the depositors in case of such financial crisis. The depositors have no alternative except to take the extreme steps despite their hard-earned money lying stuck in the banks. Hence, there should be an alternative mechanism for insulating the interests of the innocent depositors.

(c) **Because**, the insurance capping up to Rs 100000/- against the any amount is arbitrary and violates the fundamental provision of the Constitution of India where the hard-earned deposited money of depositors is not secured to the extent to which their deposits are lying. There is no reasonable justification as to why the entire deposit amount of common people in the PMC Co-operative bank are not fully insured. Hence, it is utmost important that entire amount of the depositors must be insured by the respondent No. 5.

(d) **Because**, there is urgency of regulating all the co-operative and nationalized banks under one regulator having control of every aspects of the affairs of those financial institutions, as it has been observed that due to multi-level controlling and different-different regulation are causing the happening of wide scale fraud and scams in our country. Hence, all the financial institution must be brought under one umbrella to ward off any financial eventualities.

(e) **Because**, the depositors of the PMC Co-operative bank are having nightmarish of financial impediments even to carry out the necessary financial work. Situation has reached a catastrophic level where these victims are rendered without any kind of hope of getting their hard-earned deposited money back. Thus, there is an urgent need to laydown the appropriate guidelines for regulating those loosely regulated financial institutions in our country

13. That it is submitted that the petitioner craves the leave of this Hon'ble Court to plea and urge any other further grounds which may be taken by the petitioner during the course of arguments on the present writ petition and same will be filed at the earliest on direction of this Hon'ble Court.

14. That the Petitioner submit that he has not filed any other similar writ petition either in this Hon'ble Court except the above said Writ Petition bearing W.P. (C) No. 1280 of 2019.

15. That it is submitted that the petitioner has no other alternative efficacious remedy except filing the present writ petition in public interest before this Hon'ble Court.

PRAYERS

In view of the above and in the interests of justice, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Issue a direction in nature of mandamus or any other appropriate writ, order/direction or directions for issuance of an interim protective measures for insuring all the consumers whose hard-earned money is blocked in PMC Co-operative bank branches of NCT of Delhi.

And/or

(b) Issue an exhaustive and comprehensive guideline to safeguard the banking and co-operative deposits in the eventuality of emergency financial crisis where common people are financially stranded by the acts of few unscrupulous persons which eventually leading to various personal irreversible catastrophes.

and/or

(c) Issue a direction to respondent No. 01 and respondent no. 08 for complete insulation and insurance of the hard-earned deposited money of the common people in various co-operative banks including nationalized banks by enacting of an appropriate measure in nature of 100% insurance coverage towards their hard-earned deposited amount.

and/or

(d) Issue a direction to constitute a high-powered committee for looking into the complete affairs of working and their operation in all co-operative banks in order to have robust and transparent mechanism which can inspire the confidence of the common people in co-operative banks.

and/or

(e) Issue an appropriate direction thereby quash/set aside the notifications/ directives dated 23.09.2019, 24.09.2016, 26.09.2019, 03.10.2019 and 11.10.2019 declaring them as ultra-virus of the fundamental rights of the citizen which guaranteed under article 14,19 and 21 of contestation of India.

and/or

(f) Issue an appropriate direction to respondent No. 08 for immediately exercising the power under the provisions of DICGC Act 1961 to provide complete financial insurance as per the respective deposits of the depositors unlike existing insurance cover for Rs 100000/- only irrespective of any amount of deposits.

and/or

(g) Pass such further order(s) as may be deemed fit and proper under the facts and in the circumstances of the case.

Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
& Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
New Delhi-110075.
Mobile : 9810615050 & 8800217223

Place: New Delhi

Date: 21.10.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)
(UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

In matter of:

Mr. Bejon Kumar Misra .... Petitioner

Versus

Union of India and Ors .... Respondents

AFFIDAVIT

I, Bejon Kumar Misra, aged about 68 years, Consumer Policy Expert & social activist, having registered office at B-306, First Floor, C. R. Park, New Delhi-110019, do hereby solemnly affirm and declare as under:-

1. That I am the petitioner and as such I am well conversant with the facts and circumstances of the present matter and am competent to swear this affidavit.

2. That I have gone through the Delhi High Court (public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

3. That I/Petitioner have no personal interest in the present litigation in any manner from the relief sought in the present petition save as a member of the General Public. This petition is not guided by self gain or gain of any individual, institution, body and there is no motive other than of public interest in filing this petition.

4. That I have enquired whatsoever inquiry/investigation were in my purview to collect the available data/material relevant for this companying petition. I further affirm that I have not

concealed any facts which may enable this court to form an opinion in interest of justice.

5. That accompanying Writ Petition under Article 226 & 227 of Constitution of India has been drafted by my counsel under my instruction and the facts stated therein are true and correct to the best of my knowledge and belief. The contents of Para 01 to Para 07 are based on the information available to me through various sources, the contents of para 08 are details of the cases filed by me before various hon'ble courts, para 09 is brief facts of the case, para 10 is provision of law, para 11 & 12 are questions of law and grounds respectively which are suggested by my counsel including the prayer, synopsis and list of dates and events and the legal paras from 13 to para 15 of the Writ Petition are true and correct to the best of my knowledge and belief. The contents of the same are not being reproduced herein for the sake of brevity and may be read as part and parcel of this affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 21st day of the October, 2019 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)
(UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

In matter of:

Mr. Bejon Kumar Misra .... Petitioner

Versus

Union of India and Ors .... Respondents

APPLICATION UNDER SECTION 151 C.P.C SEEKING EXEMPTION FROM FILLING CERTIFIED COPIES AND TYPED TRUE COPIS OF DIM ANNEXURES

TO
Hon'ble the Chief justice
and Companions Judges
of the Hon'ble High Court of India

THE HUMBLE APPLICATION OF ABOVE NAMED PETITIONER

MOST RESPECTFULLY SHOWETH:

1. That the petitioner has filed the accompanying Writ Petition under Section 226 & 227 of the Constitution of India.
2. That the contents of the accompanying Writ Petition are not being reproduced herein for the sake of brevity and the same may be read as part and parcel of the present application and to avoid repetition.
3. That the Petitioners are unable to file the certified copies or the typed copies of some annexure and is also filing some dim annexure of the documents due to paucity of time and urgency in the instant petition and therefore, the Petitioner

is seeking exemption from filing the certified copies and true typed copies of the above mentioned.

4. That the Petitioner takes leaves of this Hon'ble Court and undertakes to file the typed copies and fair annexure as and when the Court wants the same or as per the direction.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

a. Allow the application for exemption from filing the certified copies or typed copies and dim annexure filed by the Petitioner/ Applicant; and /or
b. Pass any other order and direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS, YOUR APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

Filed by

Petitioner

Through Counsel

Shashank Deo Sudhi, Bijender P Kumar,
Vivek Kumar & Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B. First Floor,
Pocket-2, Sector-6, Dwarka,
New Delhi-110075.

Place: New Delhi

Date: 21.10.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)
(UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

In matter of:

Mr. Bejon Kumar Misra .... Petitioner

Versus

Union of India and Ors .... Respondents

AFFIDAVIT

I, Bejon Kumar Misra, aged about 68 years, Consumer Policy Expert & social activist, having registered office at B-306, First Floor, C. R. Park, New Delhi-110019, do hereby solemnly affirm and declare as under:-

1. That I am the petitioner and as such I am well conversant with the facts and circumstances of the present matter and am competent to swear this affidavit.

2. That accompanying application under section 151 C.P.C seeking exemption from filling certified copies and typed true copies of dim annexures has been drafted by my counsel and the facts stated therein are true and correct to the best of my knowledge and belief. The contents of Para 01 to Para 04 including prayer of the application are true and correct to the best of my knowledge belief.

DEPONENT

VERIFICATION

Verified at New Delhi on this 21st day of the October, 2019 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

DEPONENT

V A K A L A T N A M A

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)
(UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO: OF 2019

PUBLIC INTEREST LITIGATION

In matter of:
Mr. Bejon Kumar Misra **Petitioner**

Versus

Union of India and Ors **Respondents**

I, Bejon Kumar Misra, aged about 68 years, Consumer Policy Expert & social activist, having registered office at B-306, First Floor, C. R. Park, New Delhi-110019, the Petitioner/applicant in the accompanied application, do hereby appoint:

Shashank Deo Sudhi (D/1816/2003), Bijender P Kumar (UK/01/2016), Vivek Kumar & Dinesh Dakoria
Associates & Solicitors
(Strategic Legal Counsel)
105-B, First Floor, Pocket-2, Sector-6, Dwarka, New Delhi- 110 003
Phone : 011-25080858, Mobile : 8800217223 & 9810615050

Hereinafter called the advocate (s) to be my/ our Advocate (s) in the above noted case and authorize them:
To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to payment of fees separately for each Court by me/us.
To sign file, verify and present pleadings, appeals, cross-objection of petitions for executions, review, revision, withdraw, compromise or file other petitions of affidavits of documents as may be deemed necessary or for proper execution of the said case in all its stages subject to payment of fees for each stage.
To file and take back document, to admit & or deny the documents of opposite party.
To withdraw or compromise the said case or submit to arbitration any differences disputes that may arise touching or any manner relation to the said case.
To take execution proceedings.
To deposit, draw and receive money, cheque, cash and grant receipt thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
To appoint and instruct any other Legal practitioner or person authorizing him to exercise the power and authority hereby conferred upon the Advocate(s) whatever he then may think fit to do so & sign the power of attorney or
And I/ we undersigned do hereby agree to, ratify and confirm all acts done by the Advocates(s) their substitute in the matter as my/ our acts as done by me/ us to all intents and purposes.
And I/We undersigned that I/We or my/our duly authorized agent (s) would appear in court on all hearing & will inform the Advocate (s) appearances when the case is called.
And I/We undersigned do hereby agree not behold the advocate or his substitute responsible for the result of the said case. The adjournment cost, whatever ordered by the court shall be of the Advocate, which he shall receive and retain for himself.
And I/We the undersigned do hereby agree that in the event of the whole of part of the fee agree by me/ us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the proceeding of the said case until the same is paid up.
The fee settled is only for the above case and above Court, for a period of years only. I/We hereby agree that once the fee is paid I/We will not be entitled for the refund of the same in any case whatsoever. For execution of decrees & getting their satisfaction from court(s), Separate fee shall be payable.
IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 21st day of October, 2019.

Accepted subject to the terms of fees.

Advocates **Client**