

ITEM NO.1+2+3 Court 5 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).825/2020

GAJENDRA SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION and IA No.48815/2020-INTERVENTION APPLICATION and IA No.53439/2020-INTERVENTION APPLICATION and IA No.53722/2020-INTERVENTION APPLICATION and IA No.52963/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.53787/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.53097/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.53425/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.51250/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.72106/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.53442/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.52327/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.53723/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.52330/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.50724/2020-INTERVENTION/IMPLEADMENT and IA No.53827/2020-INTERVENTION/IMPLEADMENT and IA No.72103/2020-INTERVENTION/IMPLEADMENT and IA No.52324/2020-INTERVENTION/IMPLEADMENT and IA No.53785/2020-INTERVENTION/IMPLEADMENT and IA No.52329/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.50968/2020-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

WITH

Writ Petition(s)(Civil) No(s).608/2020

(FOR ADMISSION and IA No.57429/2020-EX-PARTE STAY and IA No.57430/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P(C) No(s).568/2020

(IA No.77422/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.54535/2020 - GRANT OF INTERIM RELIEF, IA No.84456/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Writ Petition(s)(Civil) No(s).945/2020

(FOR ADMISSION and IA No.82675/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.82674/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No(s).937/2020

W.P.(C) No.964/2020

(FOR ADMISSION and IA No.83882/2020-EXEMPTION FROM FILING O.T. and IA No.83886/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.542/2020 (X)
(IA No.53113/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No.476/2020 (X)
(FOR ADMISSION and IA No.48982/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.48979/2020-APPROPRIATE ORDERS/DIRECTIONS[COVID-19 MATTERS] IA No. 53634/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No.53633/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.955/2020 (X)
(FOR ADMISSION and IA No.52312/2020-GRANT OF INTERIM RELIEF and IA No.49184/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.49474/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.52314/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.49183/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.49047/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.49473/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.506/2020 (X)
(IA No. 50900/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s).12389/2020 (X)
(IA No.77610/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.77611/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No.52958/2020 - EXEMPTION FROM FILING O.T., IA No.52957/2020 - EXEMPTION FROM PAYING COURT FEE)

W.P.(C) No.606/2020 (PIL-W)
(IA No.64361/2020 - ADDITION / DELETION/MODIFICATION PARTIES, IA No.57360/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, IA No.57359/2020 - EX-PARTE STAY)

W.P.(C) No.711/2020 (X)
(IA No.64944/2020 - EX-PARTE AD-INTERIM RELIEF, IA No.64947/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.785/2020 (X)
(FOR ADMISSION and IA No.72058/2020-EX-PARTE AD-INTERIM RELIEF)

W.P.(C) No.802/2020 (X)
(FOR ADMISSION and IA No.73697/2020-EX-PARTE STAY and IA No.73698/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.829/2020 (X)
(IA No.75256/2020-EX-PARTE STAY and IA No.75258/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.826/2020 (X)
(FOR ADMISSION and I.R. and IA No.75123/2020-STAY APPLICATION and IA No.75124/2020-EXEMPTION FROM FILING AFFIDAVIT)

(FOR ADMISSION and I.R. and IA No.83670/2020-GRANT OF INTERIM RELIEF)

**(FOR ADMISSION and IA No.88870/2020-EX-PARTE STAY and IA
No.88873/2020-EXEMPTION FROM FILING AFFIDAVIT**

(FOR ADMISSION and IA No.88879/2020-STAY APPLICATION and IA No.88880/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 10-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For petitioner(s):

WP (C) 825/20

Mr. Rajiv Dutta, Sr. Adv.
Mr. Kumar Dushyant, AOR
Mr. Siddharth Dutta, Adv.
Mr. Devesh Chauvia, Adv.
Mr. Rahul Sharma, Adv.

WP 542/20 &

Mr. Abhinay, AOR

WP 955/20

Mr. Aseem Mohan, Adv.
Mr. E.C. Agrawala, AOR

WP(C) 825, 542 & 506/20

Mr. Siddhartha Bhatnagar, Sr. Adv.
Mr. Aditya Sidhra, Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Mr. Abhinay, AOR
Ms. Pragya Wal, Adv.
Mr. Himanshu Sachdeva, Adv.

Mr. Shashank Kunwar, Adv.
Ms. Sonia Dube, Adv.
Mr. Shatadru Chakraborty, Adv.
Ms. Kanchan Yadav, Adv.
M/s Legal Options, AOR

WP(C) 785/20

Mr. C.A. Sundaram, Sr. Adv.
Mr. A. Karthik, AOR
Mr. Govind Manoharan, Adv.
Mr. Sarveshwar K., Adv.
Mr. Zafar Inayat, Adv.
Ms. Rohini Musa, Adv.

	Mr. Abhishek Gupta, Adv.
WP 959/20	Mr. S.M. Vivekanandh, Adv. Mr. A. Karthik, AOR Mr. Sarveshwar K., Adv.
WP 711/20	Mr. Sanjay R. Hegde, Sr. Adv. Mr. Atul Shankar Vinod, Adv. Mr. Pranjal Kishore, Adv. Mr. Vijay Raghunathan, Adv. Mr. Dinesh Balachandran, Adv. Mr. M. P. Vinod, AOR
D.12389/20	Mr. Abhimanyu Bhandari, Adv. Ms. Roohe Hina Dua, AOR Mr. Cheitanya Madan, Adv.
WP 825/20 WP 937 & WP 1024, 1025/20	Mr. Ravindra Shrivastava, Sr. Adv. Mr. Ashish Shrivastava, Adv. Mr. Anshuman Shrivastava, Adv. Mr. Abhijeet Shrivastava, Adv. Ms. Garima Tiwari, Adv. Mr. Arpit Jain, Adv. Mr. B. Ramana Murthy, AOR
WP 825/20 & 568/20	Mr. Kapil Sibal, Sr. Adv. Mr. Kunal Vajani, Adv. Mr. Samit Shukla, Adv. Mr. Manhar S. Saini, Adv. Mr. Kunal Mimani, Adv. Ms. Saloni Shah, Adv. Mr. Chandra Prakash, Adv. M/S. D.S.K Legal, AOR
WP 937/20	Mr. Manoj V. George, Adv. Ms. Shilpa Liza George, AOR Mr. Vignesh Ram, Adv. Ms. Palak Arora, Adv.
WP 476/20	Mr. Gaurav Sharma, AOR Mr. Dhawal Mohan, Adv. Mr. Prateek Bhatia, Adv.
WP 606/20	M/S. Lambat And Associates, AOR
WP 802/20, 829/20 & 826/20	Mr. Ashish Virmani, AOR
WP 945/20	Petitioner-in-person

For respondent(s):

UOI & RBI	Mr. Tushar Mehta, SG
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	Mr. N. Venkatraman, ASG Mr. V. Giri, Sr. Adv. Mr. Ramesh Babu M. R., AOR Mr. Ashish Agarwal, Adv. Ms. Shashi Kiran, AOR Ms. Sangeeta Bhalla, Adv.
	Ms. Manisha Singh, Adv.
WP 711/20 (R-3)	Mr. Sanjeev Sagar, Adv. Mr. Shekhar Raj Sharma, Adv. Mr. Jinendra Jain, AOR
WP 955/20 (R-4)	Mr. Syed Jafar Alam, AOR Mr. Shankh Sengupta, Adv. Mr. Tine Abraham, Adv. Ms. Chhavi Jain, Adv.
WP 825/20 - Intervenor - Indian Bank Association	Mr. Harish Salve, Sr. Adv. Mr. Sanjay Kapur, AOR Mr. V.M. Kannan, Adv. Ms. Megha Karnwal, Adv.
WP 825/20 - Intervenor State Bank of India	Mr. Mukul Rohatgi, Sr. Adv. Mr. Sanjay Kapur, AOR Mr. V.M. Kanna, Adv. Mr. Harshal Narayan, Adv. Mr. Sambit Panja, Adv.
IA 48815/20 in WP 825/20	Mr. Abhinay, AOR
IA 53439/20 & IA 53442/20 (Intervenor)	Mr. Arnab Narain, AOR Mr. Vinayak Bhandari, Adv.
IA 72103/20 (Intervenor)	Mr. Ashutosh Thakur, Adv. Mr. Aabhas Parimal, Adv. Mr. Neeraj Shekhar, AOR
WP 825/20 (Intervenor)	Mr. Swarnendu Chatterjee, AOR
WP 825/20 (Intervenor)	Mr. Abhimanyu Bhandari, Adv. Ms. Roohe Hina Dua, AOR Mr. Cheitanya Madan, Adv.
IA 88898/20 (Intervenor)	Mr. Gaurav Goel, AOR Mr. Rajesh Kumar, Adv. Mr. Mohit Kumar Bansal, Adv.
IA 80902/20 (Intervenor)	Mr. K. Rajeev, Adv. Mr. Shinoj K. Narayanan, Adv. Mr. Bijo Mathew Joy, Adv.

IA 88923/20	Mr. Kunal Cheema, Adv. Mr. Jeetendra Ranaawat, Adv.
IA 52329/20 (Impleader) IA 52324/20	Mr. Siddharth Jain , AOR
IA 53722-23/20 (Intervenor)	Ms. Swati Setia, AOR
IA 53785/20 in WP 825/20	Mr. Raghwendra Tiwari, Adv. Ms. Mamta Tiwari, Adv. Mr. Ravi Mishra, Adv. Mr. Ajay Kumar, Adv. Ms. Amrita Kumari, AOR
IA 50724/20	Mr. Devesh Chauvia, Adv. Mr. Mukul Lather, Adv. Ms. Pooja Singh, Adv. Mr. Kumar Dushyant Singh, AOR
IA 53827/20 in WP 825/20	Mr. Suvidut M.S., AOR
IA 87452/20	Mr. Abhigya, AOR Mr. Pradeep Kumar Dubey, Adv. Mr. Siddharth Rajkumar Murarka, Adv. Ms. Sunita Yadav, Adv. Ms. Anamika Kushwaha, Adv. Ms. Nandita Rao, Adv. Ms. Mahija Reddy, Adv. Mr. K.N.Agnihotri, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Shri Tushar Mehta, learned Solicitor General appearing on behalf of the Union of India, Shri Harish Salve, learned Senior Counsel appearing on behalf of Indian Bank Association, Shri Mukul Rohatgi, learned senior counsel, appearing on behalf of State Bank of India, Shri V. Giri, learned senior counsel & Shri Ramesh Babu, learned counsel, appearing on behalf of Reserve Bank of India and Shri Kapil Sibal, learned senior counsel, Shri C.A. Sundaram, learned senior counsel & Shri Rajiv Dutta, learned senior counsel appearing on behalf of the petitioners.

Shri Tushar Mehta, learned Solicitor General, submits that Government of India on the highest level is considering all issues which have been raised in this batch of cases. It is submitted that Government of India also considering all issues in consultation with Reserve Bank of India as well as other banks and within a period of two weeks, appropriate decision will be taken with regard to the issues, which have arisen herein and the manner and mechanism of extending benefit to different sectors.

Learned counsel for the petitioners have expressed their concern with regard to individual loans, apart from other sectors. It is submitted that individuals are more adversely affected during this period of pandemic. Learned counsel for the petitioners have also submitted that banks are debting interest as well as interest on interest from the accounts of the creditors. It is further submitted that credit rating is also being downgraded which may have adverse effect, with regard to various account holders.

Shri Harish Salve, learned senior counsel, for the Indian Bank Association submits with regard to the prayers which have been made today, Reserve Bank of India and other banks be given time to respond. He submits that the banks have been following broad system of banking and without considering their stand, no interim order be passed at this stage.

The writ petitioners have further submitted that the status, as was continuing till 31.08.2020, may be allowed to continue till the matter is considered by the Government and appropriate decisions have been taken.

Shri Tushar Mehta, learned Solicitor General, submits that

within two weeks' appropriate affidavit, bringing on record the relevant decisions and directions of the Government of India as well as Reserve Bank of India shall be filed. Shri V. Giri, learned senior counsel, also appears for the Reserve Bank of India has made the same submissions.

In view of the aforesaid request made by Shri Tushar Mehta, learned Solicitor General and the learned counsel for banks, we grant two weeks time to file appropriate affidavit to reply the issues which have been raised before us. All decisions taken by the Government of India, Reserve Bank of India or the different banks should be placed before the Court for consideration.

As noted above, on the next date of hearing, the specific instructions with regard to charging of compound interest and credit rating/downgrading during Moratorium Period shall be obtained, so that appropriate order be issued on the next date of hearing.

List on 28.09.2020.

Earlier interim order(s) to continue.

(ASHWINI THAKUR)
AR-CUM-PS

(RENU KAPOOR)
BRANCH OFFICER