

ITEM NO.3

COURT NO.3

SECTION IV-B

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

SPECIAL LEAVE PETITION (CIVIL) Diary No. 2477/2023

(Arising out of impugned final judgment and order dated 09-08-2022 in CWP No. 19472/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

BRANCH MANAGER, PUNJAB NATIONAL BANK & ORS.

Petitioner(s)

VERSUS

GURU NANAK ENGINEERING WORKS & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.171886/2023-CONDONATION OF DELAY IN FILING and IA No.171884/2023-EXEMPTION FROM FILING O.T. and IA No.171882/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.171887/2023-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.171883/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.176531/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Divyanshu Sahay, Adv.

Ms. Shradha Narayan, AOR

Mr. Akshay Sahay, Adv.

For Respondent(s)

Mr. Rahul Gupta, AOR

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

Delay condoned.

Issue notice, returnable in the month of January 2024.

Notice is accepted by Mr. Rahul Gupta, learned counsel, who is present on advance notice/caveat for respondent no. 1 - Guru Nanak Engineering Works, which is the contesting respondent.

Notice to the unserved proforma respondent nos. 2 and 3 namely, Reserve Bank of India (RBI) and Ministry of Micro, Small and Medium Enterprises will be served by all modes, including *dasti*.

Respondent no. 2 - RBI herein, will file an affidavit in this Court indicating/clarifying the following: -

(a) Whether there are any circulars or instructions which mandate furnishing/supply of documents executed by the parties at the time when the loan or guarantees are given or extended? Do the circulars/instructions state the manner and mode by which documents would be furnished?

(b) In case of fluctuation in the rate of interest, whether the banks/financial institutions are under an obligation to inform the borrower(s) in writing about the change?

(c) Whether the banks/financial institutions are required to furnish yearly statements of the loan account with details?

The aforesaid affidavit will be filed on behalf of the respondent no. 2 - RBI within four weeks from the date of service of notice.

Counter affidavit/reply will be filed by respondent no. 1 - Guru Nanak Engineering Works within four weeks from today.

Rejoinder affidavit/affidavit to the affidavit of the respondent no. 2 - RBI and the counter affidavit/reply of

respondent no. 1 - Guru Nanak Engineering Works, if any, may be filed within four weeks after service of the affidavit and/or counter affidavit.

In the meanwhile, we are inclined to stay the operation of the impugned judgment and order dated 09.08.2022 passed by the High Court of Punjab and Haryana at Chandigarh in CWP no. 19472/2020 (O&M).

We further direct that the impugned judgment will not be treated as a precedent. Pending proceedings under the Recovery of Debts and Bankruptcy Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 will continue in accordance with law.

Till the next date of hearing, the contempt proceedings shall remain stayed.

We clarify that we have not made any comments on the merits of the case from either side.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR