

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

WRIT PETITION (CIVIL)..... Diary No(s).11127/2020

GAJENDRA SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(COVID-19 MATTERSMR. RAJIV DUTTA, SR. ADV.

IA No. 50968/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT

IA No. 52329/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 53425/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53097/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 51250/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53787/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 52963/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53723/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 52330/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53442/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 52327/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53095/2020 - INTERVENTION APPLICATION

IA No. 52959/2020 - INTERVENTION APPLICATION

IA No. 48815/2020 - INTERVENTION APPLICATION

IA No. 53722/2020 - INTERVENTION APPLICATION

IA No. 53439/2020 - INTERVENTION APPLICATION

IA No. 52324/2020 - INTERVENTION/IMPLEADMENT

IA No. 53827/2020 - INTERVENTION/IMPLEADMENT

IA No. 53785/2020 - INTERVENTION/IMPLEADMENT

IA No. 50724/2020 - INTERVENTION/IMPLEADMENT)

WITH

Writ Petition(s)(Civil) No(s).476/2020

(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)

Writ Petition(s)(Civil) No(s).506/2020

(FOR ADMISSION and IA No.50900/2020-EXEMPTION FROM FILING AFFIDAVIT

Writ Petition(s)(Civil) No(s). 542/2020

(FOR ADMISSION and IA No.53113/2020-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

WRIT PETITION (CIVIL)..... Diary No(s). 12389/2020

(FOR ADMISSION and IA No.52957/2020-EXEMPTION FROM PAYING COURT FEE

and IA No.52958/2020-EXEMPTION FROM FILING O.T.)

Date : 17-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.R. SHAH

Counsel for the parties:

Mr. Rajiv Dutta, Sr. Adv.
Mr. Kumar Dushyant Singh, AOR
Mr. Siddharth Dutta, Adv.
Mr. Devesh Chauvia, Adv.
Mr. Rahul Rajan Galowalia, Adv.

Mr. Gaurav Sharma, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Ms. Pragya Wal, Adv.
Mr. Himanshu Sachdeva, Adv.
Mr. Abhinay, AOR

Mr. Amit Sibal, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Ms. Roohe Hina Dua, AOR
Mr. Cheitanya Madan, Adv.

Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Kanu Agarwal, Adv.
Mr. B.V. Balram Das, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Kumar Dushyant Singh, AOR

Mr. Harish Salve, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sanjay Kapur, AOR
Mr. Sambit Panja, Adv.
Ms. Megha Karnwal, Adv.
Mr. V.M. Kanna, Adv.

Mr. Siddharth Jain , AOR

Mr. Nilesh Tribhuvann, Adv.
Mr. Pranav Avhad, Adv.

Mr. Darshna Naval, Adv.
Mr. Gaurav Dua, Adv.
Mr. Bhagyashree Lembe, Adv.

Mr. Swarnendu Chatterjee, AOR

Mr. Pankaj Garg, Adv.
Mr. Milind Garg, Adv.
Ms. Nikita Jain Garg, Adv.
Mr. Suvidutt M.s., AOR
Mr. Anu B., Adv.
Mr. Vibhor Ahlawat, Adv.
Mr. Yogesh Kumar, Adv.
Mr. Abhijeet Singh, Adv.

Mr. Raghwendra Tiwari, Adv.
Ms. Mamta Tiwari, Adv.
Mr. Ravi Mishra, Adv.
Ms. Amrita Kumari, AOR

Mr. P.V. Surendranath, Sr. Adv.

Ms. Swati Setia, AOR

Mr. Vinayak Bhandari, Adv.
Mr. Arnav Narain, AOR

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

We have heard learned counsel for the petitioner(s).

Learned counsel for the petitioner(s) submits that under the Disaster Management Act, 2005, the Central Government has ample power and jurisdiction to grant relief with regard to loan which is specifically provided for. It is submitted that the circular of the Reserve Bank of India dated 27.03.2020 although grant moratorium but substantially no relief is given to the borrowers. The two-fold submissions have been made by learned counsel for the petitioner(s). It is submitted that if moratorium is being granted for a period of three months, the entire amount payable including principal and interest should not be charged during moratorium

period. Secondly, at least the demand of interest on interest should not be made and these reliefs can be extended by the Central Government and the Reserve Bank of India.

Shr Tushar Mehta, learned Solicitor General, submits that a meeting was convened with the Finance Ministry and the Reserve Bank of India. However, he submits that some more time be allowed to have a re-look of the matter as to whether the Central Government can intervene for giving any kind of relief with regard to loan.

Shri Harish Salve, learned senior counsel appearing for the Indian Banking Association submits that the banks have their own sector scheme under which benefits can be given under different sectors under different mechanism or the banks have to create new schemes, which issue can be separately taken with regard to individual industries. He submits that the matter may be adjourned so that all appropriate details of the scheme etc., be brought on the record.

In above view of the matter, we are of the view that the matter should be adjourned. Let the matters be again listed in the first week of August, 2020, by which date the affidavits alongwith relevant documents be brought on the record.

Writ Petition Diary No(s).12389/2020

Tag with Writ Petition (C) Diary No(s).11127/2020.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER