IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16268 of 2020

WITH

R/SPECIAL CIVIL APPLICATION NO. 4208 of 2021

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UNIVERSAL HOSPITAL A1 AIN LLC

Versus

M/S YES BANK LIMITED

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Appearance:
MR AYAAN A PATEL(8900) for the Petitioner(s) No. 1,2,3
CHANDRAKANT S DAWANI(9592) for the Petitioner(s) No. 1,2,3
MR. SAURABH N. SOPARKAR, SENIOR COUNSEL ASSISTED BY MR. ARJUN JOSHI FOR MS. GARGI R VYAS(7983) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**

Date : 13/07/2022

COMMON ORAL ORDER

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1. Issue ***Rule*** returnable forthwith. Mr. Arjun Joshi, learned counsel appearing for Ms. Gargi R. Vyas, learned counsel waives service of notice of Rule on behalf of the respondent.

2. With the consent of the learned counsel appearing for the respective parties, the present petitions are taken up for

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final hearing.

3. As the identical issue involved in both the aforesaid petitions, the same is decided by way of common order and Special Civil Application No. 16268 of 2020 is treated as lead matter.

4. The present petition under Article 226 of the Constitution of India is filed by the petitioners seeking the following reliefs, which reads thus:

> *"(A) to quash and set aside the notice dated 14.08.2020 of the Respondent Bank;*
>
> *(B) direct the Respondent Bank, its servants and agents to act in accordance with law and to refrain from taking any steps or further steps in the matter of proceedings against the Petitioner No.1 as a willful defaulter;*
>
> *(C) direct the Respondent Bank to produce the records of the Respondent relating to possible classification of the Petitioners as willful defaulter;*
>
> *(D) to direct that pending the hearing and final disposal of the present Special Civil Application the proceedings pertaining to classification of the Petitioners as willful*

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defaulter be stayed;

(E) To pass such other and further order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case;

(F) To provide for the costs of the present Special Civil Application."

5. The brief facts leading to filing of the present petition are stated thus:

5.1. The petitioners have challenged the illegal actions undertaken by the respondent in sheer contravention of the terms and conditions of the Master Circular namely "Master Circular on Willful Defaulters' dated 01.07.2015 issued by the Reserve Bank of India (RBI), whereby, the respondent has threatened to declare the petitioners as willful defaulter by issuing impugned show cause notice dated 14.08.2020 which was received by the petitioner herein through e-mail on 18.09.2020.

5.2. It is stated that, in view of above, the petitioners are constrained to approach this Court invoking writ

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jurisdiction under Article 226 of the Constitution of India.

6. Heard Mr. Ayaan A. Patel, learned counsel appearing for the petitioners.

6.1. Mr. Ayaan A. Patel, learned counsel appearing for the petitioners submitted that the impugned show cause notice dated 14.08.2020, alleges that the petitioners have committed defaults in repayment of the amount due and payable to the respondent bank under the Facilities Agreement. It is further stated that, the petitioner no.1 has been making regular payments to the respondent Bank, with the last payment being made on 18.10.2019, and accordingly, the petitioner no.1 in good faith and bona-fide has made payment, despite the fact that actions / inactions on the part of the respondent were causing immense distress and financial loss to the petitioner no.1. While referring various other submissions, main bone of the contention of Mr. Patel, learned counsel appearing for the petitioners is that the impugned show cause notice can be said to be vague and it does not refer the necessary particulars to facilitate the petitioner to answer the

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same.

6.2. During the course of hearing, it was also submitted by Mr. Patel, learned counsel that the petitioners have replied to the said show cause notice dated 14.08.2020, however, the respondent bank has failed to provide necessary documents / documents as sought for by the petitioners.

6.3. In view of above, Mr. Patel, learned counsel submitted that the show cause notice being devoid of any clarity and being vague, required to be quashed and set aside.

7. Heard Mr. Saurabh N. Soparkar, learned senior counsel assisted by Mr. Arjun Joshi, learned counsel for Ms. Gargi Vyas, learned counsel appearing for the respondent-Bank.

7.1. Mr. Saurabh N. Soparkar, learned senior counsel raised preliminary objection with regard to the maintainability of the present petition. Mr. Soparkar, learned senior counsel at the outset submitted that the writ under Article 226 of the Constitution of India is not maintainable against a Private

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Bank. The respondent being a Private Bank, the aforesaid petition would not be maintainable against the respondent-Bank and the present petition be dismissed on the aforesaid ground only.

7.2. Mr. Soparkar, learned senior counsel submitted that the aforesaid issue is no more res-integra. Mr. Soparkar, learned senior counsel relied on the judgment of ***Ionic Metaliks v. Union of India*** reported in ***2015 GLH(2) 156***. Mr. Soparkar, learned senior counsel further relied on the judgment passed by the coordinate bench of this Court in ***Special Civil Application No. 15813 of 2019*** decided on ***28.11.2019.***

7.3. Relying on the aforesaid judgment, Mr. Soparkar, learned senior counsel submitted that the Division Bench of this Court in the case of Ionic Metaliks held that a writ would not maintainable against the private bank. The said ratio as laid down by the Division Bench was followed in Special Civil Application No. 15831 of 2019, wherein, in an identical issue a writ was sought for against the Yes Bank and it is held that

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the respondent - Yes Bank being a private bank, writ against the said Bank is not maintainable.

8.. In response to the aforesaid contentions, Mr. Ayaan Patel, learned counsel appearing for the petitioner submitted that after the order came to be passed in Special Civil Application No. 15813 of 2019, the present respondent bank has undergone change in the shareholding pattern and relying on the said documents produced on record the shareholding pattern and submitted that the State Bank of India (SBI) has 30% and Life Insurance Corporation of India (LIC) has 4.90% shareholding of Yes Bank- respondent bank, which comes to total 34.90% shareholding in the respondent bank and resultantly the State has deep and persuasive control over the bank.

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9. In view of above, Mr. Patel, learned counsel submitted that it can be said that the respondent bank is derelicting the duty of public nature, and therefore, it can be said to be a 'State' and also submitted that in view of the fact that the respondent bank has been derelicting the public

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function, a writ would be maintainable against the respondent bank.

10. Heard the learned counsel appearing for the respective parties.

11. Since the preliminary objection has raised by the respondent bank, this Court finds it appropriate to decide the said issue as a preliminary issue.

12. In view of the facts as stated above, which are germane for adjudication of the present petition, they are not repeated, as there are undisputed facts for determination of the present dispute / issue.

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POSITION OF LAW:

13. In case of ***Federal Bank Ltd. v. Sagar Thomas & ors.*** reported in ***AIR 2003 SC 4325***, the Hon'ble Supreme Court has observed thus:

> *"27. A company registered under the Companies Act for the purposes of carrying on any*

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trade or business is a private enterprise to earn livelihood and to make profits out of such activities. Banking is also a kind of profession and a commercial activity, the primary motive behind it can well be said to earn returns and profits. Since time immemorial, such activities have been carried on by individuals generally. It is a private affair of the company though case of nationalized banks stands on a different footing. There may, well be companies, in which majority of the share capital may be contributed out of the State funds and in that view of the matter there may be more participation or dominant participation of the State in managing the affairs of the company. But in the present case we are concerned with a banking company which has its own resources to raise its funds without any contribution or shareholding by the State. It has its own Board of Directors elected by its shareholders. It works like any other private company in the banking business having no monopoly status at all. Any company carrying on banking business with a capital of five lacs will become a scheduled bank. All the same, banking activity as a whole carried on by various banks undoubtedly has an impact and effect on the economy of the country in general. Money of the shareholders and the depositors is with such companies, carrying on banking activity. The banks finance the borrowers on any given rate of interest at a particular time. They advance loans as against securities. Therefore, it is obviously necessary to have regulatory check over such activities in the interest of the company itself, the shareholders, the depositors as well as to maintain the proper financial equilibrium of the national economy. The Banking companies have not been set up for the purposes of building economy of the State on the

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other hand such private companies have been voluntarily established for their own purposes and interest but their activities are kept under check so that their activities may not go wayward and harm the economy in general. A private banking company with all freedom that it has, has to act in a manner that it may not be in conflict with or against the fiscal policies of the State and for such purposes, guidelines are provided by the Reserve Bank so that a proper fiscal discipline, to conduct its affairs in carrying on its business, is maintained. So as to ensure adherence to such fiscal discipline, if need be, at times even the management of the company can be taken over. Nonetheless, as observed earlier, these are all regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the company. For other companies in general carrying on other business activities may be manufacturing, other industries or any business, such checks are provided under the provisions of the Companies Act, as indicated earlier. There also, the main consideration is that the company itself may not sink because of its own mismanagement or the interest of the shareholders or people generally may not be jeopardized for that reason. Besides taking care of such interest as indicated above, there is no other interest of the State, to control the affairs and management of the private companies. The care is taken in regard to the industries covered under the Industries (Development and Regulation) Act, 1951 that their production which is important for the economy may not go down yet the business activity is carried on by such companies or corporations which only remains a private activity of the entrepreneurs/companies.

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28. Such private companies would normally not be amenable to the writ jurisdiction under Article 226 of the Constitution. But in certain circumstances a writ may issue to such private bodies or persons as there may be statutes which need to be complied with by all concerned including the private companies. For example, there are certain legislations like the Industrial Disputes Act, the Minimum Wages Act, the Factories Act or for maintaining proper environment say Air (Prevention and Control of Pollution) Act, 1981 or Water (Prevention and Control of Pollution) Act, 1974 etc. or statutes of the like nature which fasten certain duties and responsibilities statutorily upon such private bodies which they are bound to comply with. If they violate such a statutory provision a writ would certainly be issued for compliance of those provisions. For instance, if a private employer dispense with the service of its employee in violation of the provisions contained under the Industrial Disputes Act, in innumerable cases the High Court interfered and have issued the writ to the private bodies and the companies in that regard. But the difficulty in issuing a writ may arise where there may not be any non-compliance or violation of any statutory provision by the private body. In that event a writ may not be issued at all. Other remedies, as may be available, may have to be resorted to.

33. Merely because the Reserve Bank of India lays the banking policy 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 etc. as

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provided under Section 5(c)(a) of the Banking Regulation Act does not mean that the private companies carrying on the business of or commercial activity of banking, discharge any public function or public duty. These are all regulatory measures applicable to those carrying on commercial activity in banking and these companies are to act according to these provisions failing which certain consequences follow as indicated in the Act itself. Provision regarding acquisition of a banking company by the Government, it may be pointed out that any private property can be acquired by the Government in public interest. It is now judicially accepted norm that private interest has to give way to the public interest. If a private property is acquired in public interest it does not mean that the party whose property is acquired is performing or discharging any function or duty of public character though it would be so for acquiring authority.

34. For the discussion held above, in our view, a private company carrying on banking business as a scheduled bank, cannot be termed as an institution or company carrying on any statutory or public duty. A private body or a person may be amenable to writ jurisdiction only where it may become necessary to compel such body or association to enforce any statutory obligations or such obligations of public nature casting positive obligation upon it. We don't find such conditions are fulfilled in respect of a private company carrying on a commercial activity of banking. Merely regulatory provisions to ensure such activity carried on by private bodies work within a discipline, do not confer any such status

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upon the company nor puts any such obligation upon it which may be enforced through issue of a writ under Article 226 of the Constitution. Present is a case of disciplinary action being taken against its employee by the appellant Bank. Respondent's service with the bank stands terminated. The action of the Bank was challenged by the respondent by filing a writ petition under Article 226 of the Constitution of India. The respondent is not trying to enforce any statutory duty on the part of the Bank. That being the position, the appeal deserves to be allowed."

14. The decision of ***Ionic Metaliks v/s. Union of India*** reported in ***2015 GLH (2) 156*** (supra), the relevant paras read thus:

"4. The petitioners availed of a loan facility from the respondent No. 2 Punjab National Bank. The respondent No. 2 Bank noticed that the loan account of the petitioners was a Non -Performing Asset (NPA) since 30th June 2012 with the outstanding of Rs.1027 lac (as on the date of the NPA) including the interest at the applicable rate.

7. The petitioners availed of the facility of the Home Saver Account videsanction letter dated 30th September 2010 to the tune of Rs.3,45,87,900/ - in Account No. 48111724 from the respondent No. 2 - Standard Chartered Bank. The petitioners availed one more facility of the Home Saver Account by sanction letter dated 30th September 2010 of Rs.1,45,12,100/ - vide Account No. 48134899 from the respondent No.

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2 -Standard Chartered Bank. The Account No. 48134899 was declared as NPA on 1st December 2013 whereas the Account No. 48111724 was declared as NPA on 10th January 2013.

24. Apart from the challenge to the Constitutional validity of the Master Circular issued by the Reserve Bank of India, the petitioners have also challenged the proposed action on the part of the Bank.

25. It has been vehemently submitted by the learned Advocates appearing on behalf of the petitioners that having regard to the contents of the notice it could be said that the Bank has already taken a decision to declare the petitioners as willful defaulters without disclosing any reasons in the show -cause notice and the show -cause notice is also bereft of the necessary particulars and details. In the absence of the necessary details and the reasons, the petitioners would not be able to effectively put forward their case.

26. Mr.Mitul Shelat, the learned Advocate appearing for the petitioners of Special Civil Application No. 10120 of 2014, submitted that although the impugned action is at the instance of a private Bank, viz. Standard Chartered Bank, yet the same figures as a scheduled Bank in the Second Schedule of the Reserve Bank of India Act, 1934, and therefore, would be amenable to the writ jurisdiction of this Court under Article 226 of the Constitution so far as the challenge to the notice is concerned.

27. In support of his submission that the Standard Chartered Bank is amenable to the writ jurisdiction of this Court under Article 226 of the Constitution being a State or an instrumentality of a State within the meaning of Article 12 of the Constitution of India,

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Mr.Shelat has placed reliance on the following decisions : -

(i) Shri Anandi Mukta Sadguru Shree Muktajee Vandasjiswami Survarna Jayant Smarak Trust v. V.R. Rudani, AIR 1989 SC 1707;

(ii) Praga Tools Corporation v. C.A. Imanual and others, AIR 1969 SC 1306;

(iii) Apex Electricals v. ICICI Bank Ltd., 2003(2) GLR 1785;

(iv) M/s A -One Mega Mart Pvt. Limited and others v. HDFC Bank and another, (2013)169 Punjab Law Reporter 688;

(v) M/s. Inder Surgical v. Union of India and others, 2014(2) Punjab Law Reporter 377.

146. Since we have dealt with all the submissions regarding the constitutional validity of the Master Circular, we shall now look into the legality and validity of the notice issued by the Bank so far as the proposed action of declaring the petitioners as willful defaulters is concerned.

150. The show -cause notice is absolutely vague and contains no factual or other materials. We fail to understand on what basis the Bank has alleged in the show -cause notice that the funds provided by the Bank have been siphoned of and the same were used for the purpose other than the project for which the loan was sanctioned. If such are the nature of the allegations, then at least it is expected of the Bank to provide some materials so that the petitioners can meet with the same. It has to be held that there is

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violation of the principles of natural justice. One of the facets of the principles of natural justice is fairness which, we do not find on the part of the Bank in the proposed action.

176. What is discernible from an exhaustive review of the case -law, considered and discussed above, may be summed up thus : -

(1) For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.

(2) A writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a Company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.

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(3) Although a private Banking Company like the Standard Chartered Bank with which we are concerned is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the Company.

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(4) A private Company carrying on Banking business as a Scheduled Bank cannot be termed as a Company carrying on any public function or public duty.

(5) Normally, mandamus is issued to a public body or Authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.

(6) Merely because a statue or a rule having the force of a statute requires a Company or some other body to do a particular thing, it does not possess the attribute of a statutory body.

(7) If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.

(8) According to Halsbury's Laws of England, 3rd Ed. Vol.30, p.682, "a public Authority is a body not necessarily a county council, municipal corporation or other local Authority which has public statutory duties to perform and which perform the duties and carries out its transactions for the benefit of the public and not for private profit". There cannot be any general definition of public Authority or public action. The facts of each case decide the point.

177. We are again posing a question for our

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consideration. The answer to the same should put an end to the matter.

178. The Master Circular relating to the willful defaulters has been issued by the Reserve Bank of India in exercise of its powers under the Banking Regulation Act, 1949, and the Reserve Bank of India Act, 1934, very much binding to the Standard Chartered Bank, therefore, while acting under the Master Circular for the purpose of declaring a particular borrower as a willful defaulter, does the Bank discharge a public duty.

179. To put it in other words, if a private Bank has failed to perform its duty in the sense that it has gone beyond the scope of the regulations of the Master Circular, or in performance of the same, has violated any of the fundamental rights or any other legal rights of the borrower against whom the action is proposed, then whether such a borrower can legitimately maintain a writ -application before this Court under Article 226 of the Constitution of India.

180. A body, public or private, should not be categorized as "amenable" or "not amenable" to writ jurisdiction. The most important and vital consideration should be the "function" test as regards the maintainability of a writ application. If a public duty or public function is involved, any body, public or private, concerned or connection with that duty or function, and limited to that, would be subject to judicial scrutiny under the extraordinary writ jurisdiction of Article 226 of the Constitution of India.

182. Applying the above test, the Bank herein cannot be called a public body. It has no duty towards the public. It's duty is towards its account

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holders, which may include the borrowers having availed of the loan facility. It has no power to take any action, or pass any order affecting the rights of the members of the public. The binding nature of its orders and actions is confined to its account holders and borrowers and to its employees. Its functions are also not akin to Governmental functions.

200.So far as the grievance of the petitioners of the Special Civil Application No. 10120 of 2014 as regards the legality and validity of the notice is concerned, it cannot be gone into as we have taken the view that the Standard Chartered Bank being a private Bank is not amenable to the writ jurisdiction of this Court. However, it would be open for the petitioners to seek appropriate legal remedy before the appropriate forum in accordance with law. No costs.

15. The Division Bench in Para-200 in the above-referred decision, considered the submissions, and it was held that the writ against the private Bank is not maintainable.

16. This Court in Special Civil Application No. 15813 of 2019 decided on 28.11.2019 in para-14 has held as under:

"14. In my opinion, considering the decisions of the Federal Bank Limited (Supra) & Ionic Metalliks (Supra), a writ against Yes Bank Limited seeking a relief in the nature as is sought, cannot be said to be maintainable. While dealing with the maintainability of a petition under Article 226 of the Constitution of

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> *India, even otherwise as so submitted by Mr.Joshi since the petition involves serious disputed question of facts, this Court in exercise of powers under Article 226 of the Constitution of India, should not interfere with."*

17. In view of this Court, the shareholding in the respondent Bank would not be sufficient for the purpose of holding that the Bank is derelicting the public function. It is ultimately the transaction between the creditor and the borrower, and mere shareholding would not constitute the Bank within the purview of a State. No other documents have been produced on record by the petitioner except the shareholding of State Bank of India and LIC i.e. 30% and 4.90% respectively, which comes to 34.90% of shareholding in the respondent bank. Relying on the decision in Fedral Bank (supra) and Ionic Metaliks (supra), it was held as referred to above in para-14 in Special Civil Application No. 15813 of 2019 that a writ against Yes Bank Ltd. is not maintainable. The submission that after the order / decision rendered in Special Civil Application No. 15813 of 2019, the State Bank of India has 30% shareholding and LIC has 4.90% shareholding,

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resultantly, the respondent bank can be said to be derelicting functions of a "State", in view of this Court, cannot be accepted.

18. The scope of 'State' is well-defined in Article-12. It includes legislative and executive organs of the union government and state government, statutory and non-statutory authorities, all local authorities and other authorities.

19. Referring to in the aforesaid judgment of the Hon'ble Supreme Court in ***Federal Bank Limited v/s. Sagar Thomas*** reported in ***AIR 2003 SC 4325***, wherein, the Hon'ble Supreme Court has held that private financial institutions, carrying commercial activities or business would not come under the scope of 'State' as defined under Article 12, although, they are performing public duties. It was further held that private financial institutions do not receive any financial assistance from the Government and and no state protection is offered to such institutions. No part of their share capital was being held by the Government and the state of affairs is controlled by the Board of Directors, which are duly

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elected by the Bank's shareholders. Normally, there is not any form of interference or partaking of the State or its authorities in the day-to-day affairs of the private financial institutions. It was further held that to maintain a healthy, economic atmosphere, regulatory measures are adopted and statutes were framed keeping in mind that the malfunctioning of such institutions or companies in the banking business, would not affect the stability of the fiscal equilibrium. Further, it was also held that for business and commercial activity, which had impact on economy but the same does not come within the ambit of discharging public duty. Eventhough, a private Bank could discharge the public duty, they cannot be said to be a State entity and they can benefit by absolving their obligations and liabilities by the State or State body.

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20. The aforesaid ratio as laid down by the Hon'ble Supreme Court in AIR 2003 SC 4325 (supra) came to be followed by the Division Bench of this Court in 2015 GLH (2) 156. The aforesaid ratio is followed in Special Civil Application No. 15813 of 2019. The issue is not res-integra, as held in

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above-referred decisions that a writ would not be maintainable against a private Bank.

21. This Court also deems it apposite to refer to the decision rendered by the Hon'ble Supreme Court in ***Civil Appeal No. 257-259 of 2022*** in the case of ***Phoenix ARC Private Limited v. Vishwa Bharati Vidya Mandir & Ors.*** The relevant para-12 reads thus:

> *"**12.** Even otherwise, it is required to be noted that a writ petition against the private financial institution – ARC – appellant herein under Article 226 of the Constitution of India against the proposed action/actions under Section 13(4) of the SARFAESI Act can be said to be not maintainable. In the present case, the ARC proposed to take action/actions under the SARFAESI Act to recover the borrowed amount as a secured creditor. The ARC as such cannot be said to be performing public functions which are normally expected to be performed by the State authorities. During the course of a commercial transaction and under the contract, the bank/ARC lent the money to the borrowers herein and therefore the said activity of the bank/ARC cannot be said to be as performing a public function which is normally expected to be performed by the State authorities. If proceedings are initiated under the SARFAESI Act and/or any proposed action is to be taken and the borrower is aggrieved by any of the actions of the private bank/bank/ARC, borrower has to avail the*

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> *remedy under the SARFAESI Act and no writ petition would lie and/or is maintainable and/or entertainable. Therefore, decisions of this Court in the cases of* ***Praga Tools Corporation (supra)*** *and* ***Ramesh Ahluwalia (supra)*** *relied upon by the learned counsel appearing on behalf of the borrowers are not of any assistance to the borrowers."*

22. In view of this Court, the submissions canvased by Mr. Soparkar, learned senior counsel require consideration. It can be said that Yes Bank being a private bank is not amenable to writ jurisdiction of this Court. Mere investment by the State Bank of India (S.B.I.) having shareholding of 30% in the respondent-Yes Bank cannot be termed as a 'State'. The State Bank of India is not a government body, it is a statutory bank, and therefore, holding of shares by the SBI cannot be said to be a 'State' or Authority as defined under Article 12 of the Constitution of India. Similarly, the Life Corporation of India (LIC) is having invested 4.90% also cannot be said to be a State as defined under Article 12 of the Constitution of India.

23. For the foregoing reasons, without entering into the

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merits, in view of this Court, the respondent – Yes bank being a private Bank is not amenable to the writ jurisdiction of this Court. However, it would be open for the petitioner to seek appropriate legal remedy before the appropriate forum in accordance with law.

The present petition stands dismissed, accordingly.

(VAIBHAVI D. NANAVATI,J)

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