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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 19.08.2026*

\# **CNR No. DLHC010385182026**

\+ **W.P.(C) 11957/2026**

PARINAY SHARMA .....Petitioner

Through: Mr. Aarohi Bhalla, Senior Advocate with Ms. Yeshasvi Shrivastava, Advocate.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Akash Vajpai, CGSC with Mr. Sarvesh Srivastava, GP and Mr. Priyanshu, Advocate for R-1 and R-2.
Mr. Pratap Venugopal, Senior Advocate with Mr. Abhishek Baid, Mr. Mohit Kumar Bafna and Mr. Praneet Das, Advocates for R-3.
Mr. Neeraj Malhotra, Senior Advocate with Mr. Raunak Dhillon, Ms. Madhavi Khanna, Ms. Aishwarya Gupta, Mr. Harshit and Mr. Nimish Kumar, Advocates for R-4.
Mr. Akhilesh, SPP along with Ms. Anchal Kashyap, Advocate for R-6.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (*ORAL*)

1. The present Writ Petition, stated to be a Public Interest Litigation ("**PIL**") under Article 226 of the Constitution of India, 1950 ("**Constitution**"), seeks directions concerning the divestment of IFCI

Limited ("**IFCI**") of its shareholding in the National Stock Exchange of India Limited ("**NSE**"). The Petitioner seeks preservation and production of the complete record; disclosure by DVI Fund (Mauritius) Ltd. ("**DVI Fund**"), Soach Global Opportunities Fund ("**Soach Global**") and similarly placed entities of their ownership, ultimate beneficial ownership and source of funds; restraint on their participation in NSE's proposed Offer for Sale or alienation of the impugned shareholding pending disclosure and inquiry; deposit of any transfer proceeds in an interest-bearing escrow account in India; examination by the Securities and Exchange Board of India ("**SEBI**") of the transfers, transferees' fit and proper status and beneficial ownership; and consideration of the Petitioner's complaint dated 05.06.2026 by the SEBI and the Central Bureau of Investigation ("**CBI**"), including, if warranted, an independent investigation by the CBI or any other competent agency.

2. The facts, in brief, which are germane to the present PIL, are that IFCI, being the successor to the statutory Industrial Finance Corporation of India and a founding shareholder of NSE, held 24,97,750 equity shares of NSE as on 31.03.2015, constituting 5.55% of its paid-up equity share capital. During the financial year 2015-16, IFCI divested 11,25,000 equity shares of NSE in four tranches in favour of DVI Fund, Soach Global and two undisclosed transferees, for an aggregate consideration of ₹440.93 crores. The said transactions subsequently formed the subject matter of media reports, including reports referring to an inquiry by the Serious Fraud Investigation Office into former Chairmen and Managing Directors of IFCI.

3. Thereafter, the Petitioner submitted complaints dated 05.06.2026 to the Union Minister for Finance and Corporate Affairs and to the Director,

CBI. In the interregnum, NSE filed its Draft Red Herring Prospectus with SEBI on 17.06.2026, structured as an Offer for Sale by existing shareholders. IFCI, by its response dated 01.07.2026, stated that the divestment of NSE shares had been undertaken with the approval of SEBI, after following due process, applicable regulatory guidelines and a competitive bidding process conducted through IDFC Securities Limited. The Petitioner alleges that no response was received from the Union Minister for Finance and Corporate Affairs or from the Director, CBI.

4. Learned Senior Counsel appearing for the Petitioner submitted that the shares transferred by IFCI between 15.09.2015 and 01.07.2016 were sold at a valuation lower than that reflected in a comparable transaction undertaken in June 2013, wherein NSE shares had been sold at ₹3,990 per share, implying an overall valuation of ₹17,995 crores. It was further submitted that, notwithstanding the increase in NSE's standalone revenue from ₹1,489 crores to ₹2,242 crores between FY 2012-13 and FY 2015-16, coupled with operating margins ranging between 65% and 70%, the shares sold by IFCI in 2015-16 were valued at only ₹17,550 crores. Learned Senior Counsel further contended that, when measured against NSE's present unlisted-market valuation of approximately ₹5,00,000 crores, the impugned divestment occasioned a notional loss of approximately ₹12,121.13 crores to IFCI and, consequently, to the public exchequer.

5. Learned Senior Counsel appearing for the Petitioner further submitted that IFCI, being an instrumentality of the State within the meaning of Article 12 of the Constitution, holds its assets in trust for the people of India. It was also submitted that the Petitioner is a public-spirited citizen having no personal interest in the litigation, and that he does not seek judicial review of

the commercial wisdom of the erstwhile management of IFCI, but only a limited direction for investigation into the alleged loss caused to the public exchequer.

6. Learned Senior Counsel appearing for NSE opposed the present PIL at the threshold as being abuse of process of law, submitting that the Petitioner has indulged in forum shopping. It was pointed out that the Petitioner has already instituted a writ petition, being W.P. No. 2408/2026, titled *Parinay Sharma v. Securities and Exchange Board of India & Anr.* ("**Bombay Writ**"), before the High Court of Judicature at Bombay, which is pending consideration and seeks substantially similar prayers as sought in the present PIL.

7. A copy of the Bombay Writ was handed over by the learned Counsel for NSE, and it is directed to be taken on record.

8. It was submitted by the learned Senior Counsel for NSE that the Bombay Writ was instituted on 02.05.2026 and was listed for pre-admission hearing on 20.07.2026, which is prior to the institution of the present PIL on 05.08.2026. Despite this, the Petitioner did not disclose the factum of the filing the Bombay Writ in the present PIL. It was submitted on behalf of NSE that the Bombay Writ concerned the acquisition of equity shares of NSE by Mauritius-based funds, including DVI Fund, at a nominal value while NSE remained unlisted, and sought a direction to NSE to disclose its promoter group and ultimate beneficiaries.

9. It was further contended that, given the substantial overlap between the Bombay Writ and the present PIL, the pendency of the former has been suppressed in the present PIL, in violation of the requirement under Rule 9(i)(h) of the Delhi High Court (Public Interest Litigation) Rules, 2010

("**PIL Rules**"). On the contrary, the Petitioner had made positive averments on oath, including in Paragraph No. 41 wherein he has stated that no earlier petition seeking the same or substantially similar reliefs as those sought herein had been filed before this Court, the Supreme Court, or any other Court or Tribunal.

10. Learned Senior Counsel appearing for NSE further submitted that all four transfers effected between 15.09.2015 and 01.07.2016 stood disclosed in NSE's Annual Reports for FY 2015-16 and FY 2016-17. It was also pointed out that the present PIL itself acknowledges that the first such transfer had been reported by the Hindustan Times on 16.09.2015. It was, therefore, contended that the Petitioner had offered no satisfactory explanation for approaching this Court nearly a decade thereafter.

11. We have heard learned Senior Counsel appearing for the Petitioner and learned Senior Counsel appearing for NSE and have perused the material placed on record.

12. At the outset, the preliminary objection regarding the conduct of the Petitioner in suppressing the filing of the Bombay Writ prior to the institution of the present PIL is serious in nature. The Petitioner, having failed to disclose the pendency of the Bombay Writ and having made an averment to the contrary on oath, cannot be said to have approached this Court with the candour expected of a litigant invoking PIL jurisdiction. Consequently, the present PIL is liable to be dismissed on this ground alone without consideration on merits at all.

13. A petition instituted as a PIL invokes the extraordinary jurisdiction of this Court, which is essentially equitable in nature. A person seeking to invoke such jurisdiction bears a correspondingly higher obligation to

approach the Court with clean hands and with complete candour. Before examining the grievance raised, this Court must first be satisfied that the Petitioner has approached it in good faith and with full disclosure of all material facts.

14. It is in pursuance of such complete disclosure and for prevention of abuse of the process of court that Rule 9(i)(h) of the PIL Rules mandates that, where a petitioner has previously filed any PIL or preferred any letter petition, the details thereof must be disclosed to the Court in tabular form, indicating the writ petition number, its status, and its outcome. The purpose of this requirement is to enable the Court, at the threshold, to ascertain who is before it, what causes the petitioner has previously pursued, and whether the same or an overlapping cause is already pending before another forum. It operates as a safeguard against parallel proceedings and the possibility of conflicting adjudication on the same subject matter. Rule 9(i)(h) of the PIL Rules reads as under:

> "*(h) If the petitioner has previously filed public interest litigation or preferred Letter Petitions, the details thereof would be set out in a tabular form giving the number of the writ petition, the status and outcome thereof.*"

15. The Petitioner has made no disclosure whatsoever in terms of Rule 9(i)(h) of the PIL Rules. On the contrary, the Petitioner has made positive averments to the opposite effect in the present PIL. Significantly, Paragraph No. 41 of the present PIL, under the heading "No Alternative Remedy / No Prior Petition", states in categorical terms that the Petitioner has not filed any earlier petition seeking the same or substantially similar reliefs before

this Court, the Supreme Court, or any other Court or Tribunal. The said averment is demonstrably incorrect.

16. A bare perusal of the Bombay Writ demonstrates that the Petitioner had instituted it on 02.05.2026, which is prior to the institution of the present PIL on 05.08.2026. The Bombay Writ being a proceeding instituted by the Petitioner himself, he could not have been unaware of its pendency. A comparison of the present PIL with the Bombay Writ further demonstrates a direct and substantial overlap between the two proceedings. In the Bombay Writ, the Petitioner has sought a direction to NSE to disclose, on affidavit, its promoter group, shareholders and ultimate beneficiaries, together with the relevant know-your-customer documents. In the present PIL, the Petitioner seeks a direction to SEBI and NSE to require DVI Fund, Soach Global and similarly placed entities to disclose their complete chain of ownership and control up to their ultimate beneficial owners.

17. The reliefs sought in the two proceedings are, therefore, in substance, similar and pertain to the same shareholding in the same company. The Petitioner appears to have resorted to clever drafting in an attempt to camouflage the prayers in the present PIL to appear distinct from those sought in the Bombay Writ.

18. We, therefore, find that the Bombay Writ is closely connected with the present PIL and was required to be disclosed. We are unable to accept the submission advanced on behalf of the Petitioner that the Bombay Writ was unconnected with the present PIL and, consequently, no disclosure thereof was necessary. The grounds urged and the prayers sought in the Bombay Writ substantially traverse the very subject matter raised in the present PIL.

19. The submission advanced on behalf of NSE that the Petitioner has indulged in forum shopping, after having failed to obtain any relief in the Bombay Writ, also merits acceptance.

20. It is well settled that a person invoking the writ jurisdiction of this Court must approach the Court with clean hands and must make a full and fair disclosure of all material facts. Suppression of a material fact, or the making of an incorrect statement on oath, disentitles such litigant to relief at the threshold, irrespective of the merits of the underlying cause.

21. This principle applies with greater rigour in proceedings instituted as a PIL, where the petitioner professes to espouse a public cause rather than a private grievance. In the present case, what has been withheld is not a fact external to the Petitioner's knowledge, but a parallel proceeding instituted by the Petitioner himself. As a result, the Petitioner cannot be permitted to pursue substantially overlapping reliefs before two different Courts simultaneously.

22. In ***State of Uttaranchal v. Balwant Singh Chaufal***, (2010) 3 SCC 402, the Supreme Court has observed that the jurisdiction in public interest litigation is susceptible to abuse by petitions instituted with oblique motives, and that frivolous petitions styled as PILs must be discouraged. The Court further emphasised that, while the important jurisdiction of PIL must be protected and preserved, effective measures are required to prevent and curb its misuse.

23. In ***State of M.P. v. Narmada Bachao Andolan***, (2011) 7 SCC 639, the Supreme Court has held that a petitioner invoking PIL jurisdiction is under an obligation to make a full and true disclosure of all material facts, and that misleading statements or suppression of material facts may amount

to an abuse of the process of Court warranting denial of relief. The Court further observed that a person seeking relief in PIL must approach the Court of equity not merely with clean hands, but also with a clean mind, clean heart and clean objective. Any false statement made in the pleadings with the intent to mislead the Court and secure a favourable order may amount to criminal contempt as it tends to impede the administration of justice. The Court also reiterated that a litigant is bound to make full and true disclosure, since the Court cannot be used as a forum to achieve an oblique purpose.

24. In ***State of Jharkhand v. Shiv Shankar Sharma***, (2022) 19 SCC 626, the Supreme Court held that non-disclosure of prior similar proceedings in a PIL may constitute a breach of the applicable disclosure requirements and justify refusal of relief. The Court further emphasised that a PIL instituted by suppressing material facts is liable to be rejected at the threshold.

25. Upon considering the pendency of the Bombay Writ, its non-disclosure in the present proceedings, and the incorrect averment made on oath in Paragraph No. 41 of the present PIL, we are unable to accept that the present PIL has been instituted *bona fide* or in public interest. The Petitioner has, in our considered view, abused the process of law by instituting the present PIL on the basis of a stale news report of 2015, while suppressing the prior Bombay Writ concerning substantially the same issues as those raised herein.

26. In these circumstances, we do not consider it necessary or appropriate to examine the merits of the allegations concerning IFCI's divestment of its shareholding in NSE. Having regard to the suppression of material facts, we are satisfied that the Petitioner has approached this Court with unclean hands and has indulged in forum shopping. In order to deter such conduct

and to preserve the sanctity of proceedings instituted in public interest, we deem it just and proper to impose exemplary costs of ₹5,00,000/- (Rupees Five Lakhs only) upon the Petitioner, which shall be paid to the Delhi High Court Bar Clerks' Association (A/C No. 15530100006282, IFSC Code: UCBA0001553) within a period of two weeks from today.

27. At this stage, learned Senior Counsel appearing for the Petitioner prayed for reduction of the quantum of costs. However, having regard to the facts and circumstances of the present case in their entirety, we are unable to accede to the said request.

28. Accordingly, the present Writ Petition is dismissed with exemplary costs quantified as above.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 19, 2026

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