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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 5224 OF 2022

Bajaj Finance Ltd. .. Petitioner

Versus

Union of India & Others .. Respondents

...

Mr. Zal Andhyarujina, Senior Advocate a/w Mr. Ranjeev Carvalho, Mr. Jahaan Dastur, Mr. Sachin Chandarana and Mr. Jaiveer Dhakan i/by Manilal Kher Ambalal & Co., for the Petitioner.

Mr. Rui Rodrigues i/b Ms. Anusha Amin, for Respondent Nos.1 to 5 & 12.

Mr. Paras Gada i/by Lion Law, for Respondent No.6.

Mr. Shiraz Rustomjee, Senior Advocate a/w Ms. Prachi Pandya and Ms. Bhavya Ganatra i/by Corporate Attorneys, for Respondent No.9.

Mr. Milind Sathe, Senior Advocate a/w Ms. Aditi Phatak, Ms. Megha More, Ms. Twinkle Kalla and Juri Bhiyani i/by BLAC Co., for Respondent No.11-RBI.

Mr. Milind More, Addl.G.P. for the Respondent-State.

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CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.

DATED: 21st OCTOBER, 2026

P.C:-

1. It is unfortunate that, despite our clear order passed on 28.04.2026, followed by repeated directions, the issue remains unresolved. We had indicated that the Reserve Bank of India

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has already addressed a communication to the Secretary, Ministry of Home Affairs, inviting attention to campaigns by unscrupulous elements on loan waivers and requesting the Ministry to look into the aspect. Taking note of the fact that such a communication was addressed by the Reserve Bank of India on 15.04.2025, which was placed before us, we clearly expressed that immediate steps are required to be taken, and this is what was pointed out to us through the Writ Petition presented to us.

It is in light of this, in our exhaustive order passed on the said date, we recorded that the attention of the Ministry of Home Affairs, Government of India, is also invited to such malpractice, which is being indulged into, and we expected this issue to be scrutinized, and we directed the learned counsel representing the Union of India to take appropriate instructions, as we expected some regulatory measures to be evolved by the Ministry of Home Affairs with the concerted efforts of the Reserve Bank of India. However, it appears that our directions have not at all been looked into.

On 25.06.2026, we expected the learned counsel representing the Reserve Bank of India to exchange the communication that was already forwarded to the Union of

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India (Ministry of Home Affairs). Further, on 28.07.2026, when we had appearance of Mr. Rodrigues, on behalf of the Union of India, we directed correcting the nomenclature of Union of India so as to have the Department of Home Affairs as the party Respondent.

2. Today, i.e. on 21.10.2026, Mr. Rodrigues return to the Court and expressed before us the difficulty posed in finding out the right person/officer in the Home Department to take cognizance of the communication from the Reserve Bank of India and, in short, in finding a resolution to the issue that was highlighted by us and which is the subject matter of the Writ Petition.

3. We find it really unfortunate that we have received such a response from the Union of India, and this despite the fact that it has its own paraphernalia, including various Nodal Officers, Law Officers, Advisors, etc. When we had specifically indicated that this issue deserves consideration by the Union of India through the Ministry of Home Affairs, and the communication was addressed by the Reserve Bank of India to the Secretary, Ministry of Home Affairs, the Secretary was under an obligation to ascertain as to which branch or which particular section/desk, by whatsoever name it is known,

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should be entrusted with the communication to the responsible officer, so that the Court would have received a response from the said officer, and upon such a response being placed before us for consideration, we would have attempted a resolution to the issue that has been highlighted through the Writ Petition.

Mr. Rodrigues once again seeks some time, and now it is informed that the learned Additional Solicitor General has once again addressed a communication to the Secretary, Ministry of Home Affairs, in which he has indicated that, despite repeated correspondence by email right from May 2026 to September 2026, no response is received. The letter placed in our hands reflects as to how much weightage is given to the orders of the Court and also to the communications addressed by the Assistant Solicitor General of India to the Secretary, Ministry of Home Affairs, and, according to us, it reflects a sorry state of affairs.

According to us, the learned counsel representing the Union of India, including the Additional Solicitor General, is not to take the blame, as we find from the communication addressed on 22.09.2026, the learned Senior Counsel, Mr. Singh, representing the Union of India, had requested an

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immediate action so as to ensure compliance with the directions issued by the Court, but despite a period of one month having elapsed, the situation remains the same and appears to be more grim, as Mr. Rodrigues has been instructed to seek some more time. Though he pleaded before us that one last opportunity be given so that they will attempt to find out the right person, we refuse to entertain his request, as we find that it was the duty of the Secretary, Ministry of Home Affairs, to immediately respond to the earnest plea made by the Additional Solicitor General through his communication dated 22.09.2026, and in our view, the persistent approach of the Department appears to be simply ignoring the communications from its law officer, which results into failure of responding to the queries/notices issued by this Court, and we do not appreciate such an approach.

For this reason, we expect the Secretary, Ministry of Home Affairs, to mark his presence before us only to find out the concerned officer, and we shall then consider the merits of the matter to be determined by him a little later.

We, therefore, direct the Writ Petition to be listed before us on **27.10.2026 (First on Board)**, and we permit the Home Secretary to mark his presence through Video Conferencing

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(V.C.) facility, as we are quite conscious of the fact that the Secretary, Ministry of Home Affairs, has to manage many official affairs, and we do not intend to waste his time, but definitely, we are clear in our indication that the information sought by us through our orders must be furnished, and the Union of India, through whosoever may be the officer, howsoever in high-ranking he may be, must respond to the orders passed by us.

Mr. Rodrigues to communicate this order to the Secretary, Ministry of Home Affairs.

(ASHISH S. CHAVAN J.) **(BHARATI DANGRE, J.)**

Rushikesh

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