

**2022 LiveLaw (SC) 850**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

***DR. DHANANJAYA Y. CHANDRACHUD; J., HIMA KOHLI; J.***  
**Transfer Petition (Civil) Nos 659-678 of 2022; October 14, 2022**

**Reserve Bank of India *versus* Big Kancheepuram Cooperative Town Bank Ltd & Anr etc.**

**Banking Regulation (Amendment) Act, 2020 - Transfer Petitions filed by RBI - All the writ petitions which have been filed before the High Courts challenging the validity of the Banking Regulation (Amendment) Act 2020 and/or the circular dated 25 June 2021 shall stand transferred to the High Court of Madras.**

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**ORDER**

1 The Reserve Bank of India has sought a transfer of the writ petitions pending before various High Courts challenging the validity of the Banking Regulation (Amendment) Act 2020 (Act No 39 of 2020) and its circular bearing No DOR.GOV.REC.25/12.10.000/2021-22 dated 25 June 2021.

2 Notice was issued on 25 April 2022.

3 During the course of the hearing, Mr Rakesh Dwivedi, senior counsel appearing on behalf of the petitioner, has submitted a chart on the status of the writ petitions pending before various High Courts. The chart, for convenience of reference, is marked as Annexure I to the present order.

4 As the chart indicates, petitions are pending before the High Courts of Andhra Pradesh, Chhattisgarh, Karnataka, Kerala, Madhya Pradesh, Madras, Punjab and Haryana and Uttarakhand and before the High Court of Judicature at Allahabad, High Court of Judicature for Rajasthan and High Court of Judicature at Bombay.

5 In some of the writ petitions before the High Courts, there is a challenge to the Amending Act; in some, a challenge to the validity of the circular, while, in others, a challenge to the Amending Act and the circular.

6 Having regard to the common questions which are involved in the writ petitions, it would be appropriate, in the interests of justice, to transfer all the writ petitions to one High Court for final disposal.

7 We accordingly order and direct that all the writ petitions which have been filed before the High Courts challenging the validity of the Banking Regulation (Amendment) Act 2020 (Act No 39 of 2020) and/or the circular dated 25 June 2021 shall stand transferred to the

High Court of Madras. The petitions which are being presently transferred to the High Court of Madras have been set out in the chart which is attached to the present order.

8 We request the learned Chief Justice of the High Court of Madras to assign all the writ petitions to one Bench for expeditious disposal.

9 Since the petitions which are transferred have been instituted before diverse High Courts in the country, it would be appropriate if the Division Bench hearing the petitions permits such of the parties, who desire to appear through a virtual platform, to participate in the course of the hearing on that basis.

10 Any future petitions challenging the validity of the Amending Act and/or the circular noted above, upon being instituted, shall be transferred immediately by the concerned High Court to the High Court of Madras in view of the above order.

11 The transfer petitions are disposed of in the above terms.

12 Pending applications, including application for intervention, stand disposed of.

Annexure I

CHART ON THE STATUS OF ALL THE WRIT PETITIONS PENDING BEFORE THE VARIOUS HIGH COURTS

GLOSSARY:

1. Amendment Act - Banking Regulation (Amendment) Act, 2020
2. Circular - Circular bearing No. DOR. GOV. REC. 25/ 12.10.000 / 2021-22 dated 25.06.2021 issued by the Reserve Bank of India in the matter of "Appointment of Managing Director (MD) / Whole-Time Director (WTD) in Primary (Urban) Co-operative Banks"
3. RBI - Reserve Bank of India
4. Writ petitions where stay/interim orders have been granted by the High Court

S. No.	High Court	Number of writ petitions	Status
<b>Group A - Writ Petitions challenging Amendment Act</b>			
S. No.	High Court	Number of writ petitions	Status
1.	Hon'ble High Court of Madras • WP (C) 9147/2020 • WP (C) 9150/2020 • WP (C) 9383/2020	3	In WP (C) 9147/2020 and 9150/2020, counter affidavit on behalf of RBI has been filed. Amendment to the writ petition is pending. In WP (C) 9383/2020, the pleadings are yet to be completed.
2.	Hon'ble High Court of Kerala at Ernakulum W.P. (C) No. 30189/2021	1	Pleadings are yet to be completed.
<b>Group B - Writ Petitions challenging Circular</b>			
3.	Hon'ble High Court of Karnataka at Bengaluru • WP (C) 14939/2021	1	Statement of objections filed on behalf of RBI. Pleadings are yet to be completed.
4.	Hon'ble High Court of Chhattisgarh at Bilaspur • WP (S) 4737/2021,	1	Counter affidavit filed on behalf of RBI. Pleadings are yet to be completed.

5.	Hon'ble High Court of Judicature at Allahabad, Lucknow Bench • W.P. 18827/2021	1	Counter affidavit filed on behalf of RBI. Pleadings are yet to be completed.
6.	Hon'ble High Court of Judicature for Rajasthan at Jodhpur • S.B.C.W.P. No. 11222/2021 • S.B. C.W.P. No. 11098/2021	2	In S.B.C.W.P. No. 11222/2021, pleadings are yet to be completed. In S.B. C.W.P. No. 11098/2021, Counter affidavit filed on behalf of RBI. Pleadings are yet to be completed.
<b>S. No.</b>	<b>High Court</b>	<b>Number of writ petitions</b>	<b>Status</b>
7.	Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench • S.B.C.W.P. No. 9412/2021 • S.B.C.W.P. No. 9395/2021 • S.B.C.W.P. No. 10835/2021	3	In S.B.C.W.P. No. 9412/2021, counter affidavit filed on behalf of RBI. Pleadings are yet to be completed. In S.B.C.W.P. No. 9395/2021 and 10835/2021, pleadings are yet to be completed.
8.	Hon'ble High Court of Punjab and Haryana at Chandigarh • C.W.P. No. 16519/2021	1	Counter affidavit filed on behalf of RBI. Pleadings are yet to be completed.
9.	Hon'ble High Court of Andhra Pradesh at Amaravati • W.P. No. 25791/2021	1	Counter affidavit filed on behalf of RBI. Pleadings are yet to be completed.
10.	Hon'ble High Court of Judicature of Bombay Bench at Aurangabad • W.P. No. 11701/2021	1	Counter affidavit filed on behalf of RBI.
<b>Group C - Writ Petitions challenging the Amendment Act and the Circular</b>			
11.	Hon'ble High Court of Madhya Pradesh, Gwalior Bench • W.P. (C) 16255/2021	1	Counter affidavit filed on behalf of RBI.
12.	Hon'ble High Court of Madhya Pradesh • W.P. No. 16168/2021	1	Counter affidavit filed on behalf of RBI. Pleadings are complete.
<b>S. No.</b>	<b>High Court</b>	<b>Number of writ petitions</b>	<b>Status</b>
13.	Hon'ble High Court of Uttarakhand at Nainital • W.P. (C) 1665/2021	1	Counter affidavit filed on behalf of RBI. Pleadings are complete.

14.	Hon'ble High Court of Kerala at Ernakulum • W.P. (C) 24037/2021	1	Dismissed as withdrawn with liberty granted to approach the Hon'ble High Court again.
15.	High Court of Judicature of Bombay Bench at Aurangabad • WP 12554 of 2021	1	RBI filed affidavit on 01.03.2022. The matter is pending for admission hearing. Next date is not available.

TRANSFER PETITION (C) NO. 2257-2261 OF 2022

S. No.	High Court	Number of writ petitions	Status
1.	Hon'ble High Court of Karnataka W.P. No. 21320 of 2021(CS-RES)	1	-
2.	High Court of Judicature of Bombay • Civil W.P. No. 8843 of 2021 W.P.(C) No. 1383 of 2022	2	-
3.	High Court of Judicature at Patna • C.W.J.C No. 7957 of 2022 C.W.J.C. No. 8034 of 2022	2	-

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