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

+ W.P.(C) 3190/2020 & CM APPL. 11086/2020

ABHINAV CHAWLA ... Petitioner

Through: Mr.Adhish Srivastava, Adv.

versus

UNION OF INDIA AND ORS. ... Respondents

Through: Ms.Nisha Sharma, Advocate for
R-2/RBI.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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28.05.2020

1. The hearing has been conducted *via* video-conferencing.
2. This writ petition raises an unfortunate issue. The case of the petitioner is that he is aggrieved by the act of respondent No.3 bank in refusing to honour a cheque dated 16.01.2020 for an amount of Rs.10 lakhs on the ground of instrument being staled. The instrument/cheque was deposited for presentation on 08.04.2020 during validity of the cheque. The cheque was to expire on 16.04.2020. The branch of respondent No.3 bank where the cheque was deposited was sealed by the District Administration on account of the ongoing Covid-19 Pandemic. There was a delay on the part of respondent No.3 bank in presenting the cheque to the clearing house. On 18.04.2020 an e-mail was received by the petitioner from respondent No.3 bank stating that the cheque had been returned with the remark 'instrument stale'. The plea of the petitioner is that he had deposited the cheque within the statutory period and cannot now be penalised on account of the inability of the bank in question to present the cheque on time.
3. Learned counsel appearing for RBI/respondent No.2 pleads that

RBI is unable to give any relief to the petitioner in view of the statutory provisions. RBI has not yet filed its reply. Needful be done within ten days from today. Rejoinder be filed within one week thereafter.

4. List on 30.06.2020.

5. In the meantime, the petitioner will also take steps to implead the drawer of the instrument/cheque and also the bankers of the drawer, namely, Yes Bank in question.

JAYANT NATH, J.

MAY 28, 2020/v