

11.12.2025

Present : Mr. Nitin Kumar Gupta, Counsel alongwith Mr. Sanchay Mehrotra, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Gaurav & Mr. Shahid, Sr. Asstt. for R-1, RCS.
: Mr. Abhinav Sharma, Counsel for R-2 Bank.

1. It has been contended by the Counsel for Petitioner that the Revision Petition under Section 116 of the DCS Act, 2003 has been filed against the impugned order dated 14.08.2024 passed by the R-1, RC whereby the Managing Committee of the Jain Cooperative Bank was directed that Shri Rajesh Kumar Jain shall not take any financial decision in Jain Cooperative Bank Ltd and he shall not preside over the General Meeting of the Board of Directors, Sub Committee meetings and meetings of any other committee.
2. The Counsel for Petitioner herein contended that no notice was given to the Petitioner before passing the impugned order and the said order is against the principles of natural justice. Further, the copy of the said order was also not provided to Petitioner till the GBM of R-2/Jain Cooperative Bank held on 22.08.2024. The Counsel for Petitioner further submitted that he is the Chairman of elected MC of R-2 and as per Bye-laws of R-2 Bank, financial decision making powers vests with the MC and there is no special power like 'veto' which is bestowed upon Petitioner in capacity of being the Chairman. The Counsel for Petitioner further contended that the case relates to period of demonetization i.e. 2016 and the Income Tax Deptt conducted search operation in Bank and the RCS on receiving the complaints from various persons has already initiated inquiry under Section 66 of DCS Act.
3. The Counsel for Petitioner contended that the CBI vide letter dated 28.06.2022 has forwarded CBI report against Rajesh Kumar Jain, Chairman, Jain Cooperative Bank, Delhi & six others MC members alongwith list of witnesses containing allegations and result of investigation. The CBI

has stated that there are sufficient materials for launching prosecution sanction against seven persons including the Petitioner herein. Based on the said report, the RCS has issued letter dated 08.07.2024 to MC of the Jain Cooperative Bank to submit its report and consequently the reply of the society Bank was found unsatisfactory by RCS, accordingly, the present impugned order has been passed by the RCS.

4. The Counsel for R-2/Bank submitted that the R-2 has already filed reply and copy of the same is provided to the Petitioner. Further, the Counsel stated that the current Managing Committee has passed a Resolution implementing the directions passed by the RCS in the present impugned order dated 14.08.2024 in respect of Shri Rajesh Kumar Jain, in terms of divesting him of financial decisions in the Bank and the authority to preside over the General Meeting of the Board.
5. During hearing, the court raised query to R-1, RCS that whether any Show Cause Notice or any opportunity of hearing was given to the Petitioner before the passing of the impugned order. In response, R-1, RCS requested for some time to reply to the queries raised by the court. Accordingly, the R-1, RCS is directed to file reply to the following queries:
 - i. Can inquiry be ordered under Section 66 (1), DCS Act, 2003 ? Why has inquiry not been completed yet?
 - ii. Whether any show cause notice (SCN) was issued or any opportunity of being heard was given to the Petitioner before issuance of the impugned order dated 14.08.2024 that directed the action to be taken against Petitioner ?
 - iii. Under what law is CEO of the Bank competent to grant prosecution sanction against the Petitioner and other six persons named in the CBI report as referred in the impugned order dated 14.08.2024?
 - iv. Why did the RCS not grant prosecution sanction under Section 121 (2), DCS Act, 2003 against the Petitioner and other members named in the CBI report as referred in the impugned order?

Reply to the above queries shall be submitted before the next date of hearing with an advance copy to the Petitioner, failing which RCS shall be present to answer the queries raised.

6. As requested by the Counsel for the RCS, a copy of this order be given dasti.
7. Adj. to 08.01.2026 for further arguments.

**Financial Commissioner,
Delhi**

S.No.	Case Nos.	Title of the cases
1	292/2024	Ajay Jain Vs. RCS
2	299/2024	Dev Kumar Jain Vs. RCS
3	300/2024	Suresh Chandra Jain Vs. RCS & Anr
4	302/2024	Sh. Manish Jain & Anr. Vs. RCS & Anr.

11.12.2025

Present : Shri Siddharth Sinha, Counsel alongwith Shri Piyush M. Dwivedi, Counsel for Petitioner (in case No.300/2024).
 : Ms. Vasu Singh, Counsel alongwith Shri Gaurav & Mr. Shahid, Sr. Asstts for R-1, RCS.

1. All the four revision petitions under Section 116 of the DCS Act, 2003 have been filed against the combined impugned Show Cause Notice dated 11.09.2024 passed by R-1, RCS wherein the Managing Committee of the Jain Cooperative Bank Ltd. was given opportunity to state its objections, regarding supersession of MC in terms of Section 37 (1) of DCS Act as Shri Rajesh Kumar Jain is still holding the post of Chairman, Jain Cooperative Bank Ltd. despite directions to the MC to submit its action taken against the seven accused persons (including the Chairman) in terms of the CBI Report, within seven days failing which action shall be taken in terms of Section 37(1) of the DCS Act, 2003 and rules framed thereunder.
2. Further, CBI vide letter dated 28.06.2022 has forwarded CBI report against Rajesh Kumar Jain, Chairman, Jain Cooperative Bank Ltd. It is mentioned in the impugned order that the CBI has stated that there are sufficient materials for launching prosecution sanction against seven persons including Shri Rajesh Kumar Jain (Petitioner in case No.286/2024). Further, the RCS has issued letter dated 08.07.2024 to the Managing Committee (MC) of the Jain Cooperative Bank to submit its report and

consequently the reply of the Society Bank was found unsatisfactory by RCS. Thereafter, RBI vide its letter dated 29.08.2024 has also given their concurrence to issue Show Cause Notice to the MC of the Bank in the matter.

3. It has been contended by the Petitioner that the said SCN dt. 11.09.2024 was against the previous MC and Section 37, DCS Act comes only in picture when election is not feasible. Since the elections to the MC have held in May, 2025 hence, the said SCN become infructuous. Moreover, no documents have been provided to the Petitioner to file reply to the said Show Cause Notice.
4. The Counsel for the RCS contended that only a Show Cause Notice has been issued and the Petitioners have all the opportunities to defend themselves before the RCS.
5. The Petitioners have approached this Court against the impugned SCN dated 11.09.2024. Only SCN was issued by the RCS to file objection, if any, against the proposed action under Section 37 (1) of DCS Act, the petitioners are directed to approach the RCS who shall take an appropriate decision in the matter after hearing the contentions of the Petitioners.
6. Accordingly, the matter is remanded back to the RCS to hear all the concerned parties and pass a speaking order in the matter. The RCS may also look into the aspect of non-supply of documents to the Petitioners so that they may have ample opportunity to defend themselves.
7. Accordingly, the revision petitions are disposed off in terms of the above.
8. Files be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 95 of 2025

11.12.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Shri R. P. Sahoo, Counsel for R-1, T/C Society.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr.
Asstt. and Shri Ashish Mahto, MTS for R-5, RCS.

1. Counsel for Petitioner submitted that he is willing to settle the matter amicably out of the court and requested time for the same. Request is allowed.
2. Counsel for R-1, T/C Society has no objection to settle the dispute.
3. Counsel for R-5, RCS assured the Court that the query posed by the Court on the last date of hearing i.e. 21.11.2025, that a meeting has been held by Special RCS with regard to how the penal interest @3% can be clubbed with the rate of interest @15.6% as reflected in the impugned recovery certificate dated 25.03.2025 and all other related queries which will be addressed by the RCS at an early date.
4. Both the parties are directed to attempt to settle the dispute amicably out of the Court and apprise the status of the same to this Court on the next date of hearing. They will also pay to cost levied on them on 21.11.2025, the last date of hearing.
5. Adj. to 15.01.2026.

**Financial Commissioner
Delhi**

11.12.2025

Present : None for Petitioner.
: Manish Jethi, AR for R-1, T/C Society.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr. Asstt. and Shri Ashish Mahto, MTS for R-2, RCS.

1. None appeared for the Petitioner, the matter being called twice.
2. Representative for R-1, T/C Society submitted that despite the time given by this Court on the request of the Petitioner to settle the matter out of Court, the Petitioner did not approach the Office of the T/C Society to settle the dispute.
3. It appears that Petitioner is not keen to pursue the matter, despite society's offer to settle it on liberal terms. On final opportunity is given to the Petitioner to settle the matter with T/C Society in terms of this Court's order dated 10.10.2025 and apprise the same to this Court on the next date of hearing failing which, the matter may be dismissed for non-pursuance. Issue notice to Petitioner for the same.
4. Adj. to 19.12.2025.

**Financial Commissioner
Delhi**