

(2020) 04 DEL CK 0024

In the Delhi High Court

Case No : Civil Writ Petition No. 7 Of 2020

Indiabulls Housing Finance Ltd.

APPELLANT

Vs

Securities Exchange Board Of India & Anr

RESPONDENT

Date of Decision : 06-04-2020

Acts Referred:

Constitution Of India, 1950 — Article 12, 226

Citation : (2020) 04 DEL CK 0024

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajiv Nayar, Kartik Nayar, Rishi Aggarwal, Karan Luthra, Neeraj Malhotra, Ashish Aggarwal, Bobby Chandhok, Lakshmi Dwivedi

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner had filed the subject petition seeking a restraint on respondent no. 2 i.e. ICRA Ltd. from downgrading the credit rating of the petitioner, in furtherance of its communications dated 23.03.2020, 30.03.2020 and 01.04.2020, directly or indirectly in view of the Circular of SEBI (Respondent No. 1) dated 30.03.2020.
3. Mr. Bobby Chandhok, learned counsel for respondent no. 2 raises preliminary objection as to the maintainability of the petition. It is contended that respondent no. 2 is a private entity and not a State in terms of Article 12 of the Constitution of India and particularly because no relief is sought against respondent no. 1, it is not amenable to the Writ Jurisdiction of this Court. It is further contended that respondent no. 2 is a credit rating agency

and merely reports the credit standing of an entity based on inputs received by it from its sources. Learned Counsel submits that in terms of the

agreement between the Respondent No. 2 and the petitioner, petitioner for redressal of its grievances, can either file proceedings under the agreement

or approach SEBI under its regulatory mechanism and a Writ Petition under Article 226 of the Constitution of India would not be maintainable.

4. Mr. Neeraj Malhotra, learned Senior Counsel appearing for respondent no. 1- SEBI submits that petitioner is misrepresenting its Circular dated 30.03.2020.

5. Mr. Rajiv Nayar, learned Senior Counsel appearing for the Petitioner submits that in view of the communication dated 04.04.2020 received by the

petitioner from the Rating Review Committee and the counter affidavit filed by Respondent No. 2 stating that the Rating Review Committee of the

Respondent, in exercise of its independent professional judgment, has taken a decision on 03.04.2020 whereby the rating assigned to the Petitioner has

not been downgraded, the grievance of the petitioner, at this stage, does not survive and he seeks leave to withdraw the petition.

6. In view of the above statement given on behalf of the petitioner, the petition is dismissed as withdrawn.

7. It is clarified that this court has neither considered nor commented upon the merits of the case of the petitioner or upon the objections raised by the

respondent with regard to maintainability of the petition and the interpretation of Circular dated 30.03.2020. All rights and contentions of parties are

reserved.

8. The order be uploaded on the website forthwith.

9. Copy of the order be also forwarded to counsels for the parties through email.