

“**impugned sections**”) of the Banking Regulation Amendment Ordinance, 2020, (hereinafter referred to as the “**Amendment Ordinance**”) promulgated on 26th June, 2020 as being ultra vires the Constitution of India, as the Ordinance dealt with matters beyond the legislative competence of the Parliament.

2. I state that subsequently, the said Ordinance has been enacted as an Act of Parliament vide the Banking Regulation (Amendment) Act, 2020, being Act No. 39 of 2020 on 29th September, 2020. I am advised to state that the provisions of the Ordinance have materially and substantially been carried over to the said Act, as a result of which, the grounds for Challenge of the Ordinance and the subsequent Act of Parliament remain the same.
3. I state that in respect of the challenge to the Ordinance, this Hon’ble Court vide its order dated 1st July, 2020, has passed a detailed order framing issues to be considered in this matter and granting liberty to the Petitioner herein to approach this Hon’ble Court for interim orders, if any action is sought to be taken against the Petitioner in furtherance to the Amendment Ordinance impugned.
4. I state that the 2nd Respondent herein has already filed a detailed counter affidavit in these proceedings and the 1st Respondent herein, vide Memo dated 22.09.2020 had taken time to file a counter affidavit, after which, vide subsequent Memo dated 24.09.2020, the 1st Respondent herein sought further time. I state that the pleadings in relation to the challenge to the vires of several sections of the Amendment Ordinance would be the same, when extended to the Amendment Act. Further, I state that in these proceedings, substantive arguments have been led by the Petitioner and as such, the arguments led herein would pro tanto, apply to any challenge to the Banking Regulation (Amendment) Act, 2020 as well and as such, the sections challenged in the Amendment Ordinance remain the same in the Amendment Act as well.

5. In light of the above, it may be just, necessary and expedient to permit the Petitioner herein to amend the writ petition filed in W.P. No. 9147 of 2020, by amending all references to the “Banking Regulation Amendment Ordinance, 2020” (the “impugned Ordinance” therein) to the Banking Regulation Amendment Act (“the impugned Act”).
6. Therefore, in light of the aforesaid, it is most humbly prayed that this Hon’ble Court may be pleased allow the Petitioner herein to amend the prayer in the writ petition filed in W.P No. 9147 of 2020 by substituting all references to the Banking Regulation Amendment Ordinance, 2020” (the “impugned Ordinance” therein) to the Banking Regulation Amendment Act (“the impugned Act”).

Under these Circumstances, it is humbly prayed that this Hon’ble Court may be pleased to permit the Petitioner to amend the prayer in W.P.No.9147 of 2019

As to be amended

Writ of Declaration or any other Writ or order declaring sections 4(A),4(F),4(G),4(J),4(L),4(M) and 4(Q) of **the Banking Regulation (Amendment) Act 2020 No. 39 of 2020 dated 29.09.2020** as ultra vires and unconstitutional for being without legislative competence and violative of Articles 123(3) r/w Articles 246 and Entry 32,List II,Schedule VII of the Constitution of India and pass any other or such further order or orders as may be deemed fit and proper in the facts and circumstances of the present case.

As existing (Instead of)

Writ of Declaration or any other Writ or order declaring sections 4(A),4(F),4(G),4(J),4(L),4(M) and 4(Q) of the Banking Regulation Amendment Ordinance,2020 as ultra vires and unconstitutional for being without legislative competence and violative of Articles 123(3) r/w Articles 246 and Entry 32,List II,Schedule VII of the Constitution of India and pass

any other or such further order or orders as may be deemed fit and proper in the facts and circumstances of the present case and thus render justice.

Solemnly affirmed at Chennai on this the 05th day of October'2020 and signed her name in my presence.

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BEFORE ME