



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

**MISCELLANEOUS APPLICATION NO(S). 2327 OF
2025
IN
WRIT PETITION(CIVIL) NO(S). 360 OF 2009**

RAVI SHANKAR BHUSHAN PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ...RESPONDENT(S)

O R D E R

1. Writ Petition (C) Nos. 360 of 2009 and 301 of 2005 (PIL-W) filed seeking implementation of the judgment dated 16th April, 2004 passed in the ***Indian Banks' Association, Bombay and others v. Devkala Consultancy Service and others*** reported in **2004 (11) SCC 1** were disposed of by this Court *vide* order dated 11th August, 2017.

2. While disposing of the said writ petitions, this Court was pleased to pass the following order:

“4. With the above observations, we dispose of these petitions with the direction, that the Committee constituted by this Court *vide* its order dated 14.10.2014 comprising of representatives of Reserve Bank of India, the Comptroller and Auditor General of India, Small Industries Development Bank of India, Union of India and the Indian Banks Association will oversee the implementation of the directions contained in the above-mentioned order.”

3. The present Miscellaneous Application has been filed in pursuance of the aforesaid order, whereby this Court directed the said Committee to oversee the implementation of the directions issued.

4. Mr. Amrish Kumar, learned counsel, has placed on record a compliance affidavit in a sealed cover, which has been opened and duly perused by this Court.

5. The gist of the compliance affidavit is noted hereinbelow: -

1. This Court, in ***Indian Banks Association (supra)***, directed the creation of a Fund for effective implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and

Full Participation) Act, 1995, to be managed under the chairmanship of the Comptroller and Auditor General of India (CAG). In compliance thereof, the Central Government issued a notification dated 21st November, 2006 constituting the “Trust Fund for Empowerment of PwDs” under the Charitable Endowments Act, 1890. Subsequently, the 1995 enactment stood repealed and replaced by the Rights of Persons with Disabilities Act, 2016 (RPwD Act), along with the Rules framed thereunder. Thereafter, this Court, *vide* order dated 14th October, 2014 passed in WP (C) No. 360 of 2009, directed the Reserve Bank of India (RBI), the CAG, the Small Industries Development Bank of India, the Union of India and the Indian Banks’ Association to jointly deliberate and place concrete suggestions for implementation of the judgment in, including determination of the actual amounts payable by the concerned banks to the Trust Fund (now

subsumed into the National Fund). Pursuant thereto, the Committee held several meetings and, in its final meeting, chaired by the CAG on 28th February, 2025, accepted the recovery methodology proposed by the RBI after considering the collections already effected and the financial viability of the remaining entities, whereupon the following decisions were taken:

- a) **Recovery from Six Banks without Records:** These banks deposited Rs. 50 lakhs each into the Trust Fund. RBI proposed recovery based on notional excess interest calculated from banks with equivalent assets in 1997. RBI will initiate correspondence to recover outstanding dues.
- b) **Recovery from Eight Merged/Non-existent Banks:** These banks have deposited Rs. 50 lakhs each.

Since interest recovery details are unavailable due to mergers, RBI proposed a lump-sum recovery of Rs. 50,000/- from each bank. RBI will attempt recovery within six months; no further action thereafter due to the small amount involved.

c) **Recovery from Commerzbank AG & Dresdner Bank AG**: Following their merger, certain funds were withheld by RBI. The Committee agreed to recover a lump-sum of Rs. 3 lakhs from the withheld funds, as directed by CAG, and deposit it into the Trust Fund.

d) **Recovery from Sonali Bank**: Considering its small size and limited operations in India, RBI proposed a lump-sum recovery of Rs. 10 lakhs. The Committee agreed, and CAG

directed recovery and deposit of the amount into the Trust Fund.

e) **Recovery from Sikkim Bank Ltd:** After its merger with Union Bank of India, it was clarified that the Interest Tax Act did not apply to Sikkim. Hence, no recovery is required.

f) **Recovery from ING Bank NV AND INS Vysya Bank:** ING Bank NV closed its India operations on 31st March, 2003. ING Vysya Bank clarified that it neither merged with ING Bank NV nor took over its assets or liabilities and lacks records for 1991-97. Despite disputing liability, ING Vysya Bank paid Rs. 50 lakhs to the Trust Fund under protest. ING Vysya Bank has since been amalgamated with Kotak Mahindra Bank Ltd.

g) **Status of Cooperative & Regional Rural Banks:** The

exempt status of Cooperative Banks and Regional Rural Banks was reiterated, in accordance with this Court's directive of August, 2017.

2. The RBI, *vide* letter dated 25th June, 2025, has informed that the recovery process finalised by the Committee in its meeting dated 28th February, 2025 stands completed in compliance with the directions issued by this Court *vide* order dated 14th October, 2014. It has been reported that a sum of ₹1,67,34,000/- (Rupees One Crore Sixty-Seven Lakhs Thirty-Four Thousand only) was recovered during the period April-May, 2025, and that the cumulative recoveries now aggregate to ₹212,39,42,612/- (Rupees Two Hundred Twelve Crores Thirty-Nine Lakhs Forty-Two Thousand Six Hundred Twelve only).

3. Parliament has since enacted the RPwD Act. The Trust Fund created pursuant to this Court's order dated 16th April, 2004 has been merged into the National Fund for Persons with Disabilities, and Rules have been framed governing the investment and utilisation of the Fund. The implementation of the statutory scheme is now an executive function under the Act, with the accounts of the National Fund being subject to audit by the CAG.

6. In view of the compliance of the directions issued *vide* order dated 14th October, 2014, the CAG has sought to be relieved of the responsibility as Chairperson of the Committee constituted by this Court.

7. The statutory framework governing the subject matter now stands crystallized with the incorporation of Section 86 of the RPwD Act and the rules framed thereunder. It shall hereafter be incumbent upon the Central Government to ensure that the National

Fund is maintained and administered in letter and spirit in accordance with the mandate of the said provision, which is quoted hereinbelow for the sake of convenience: -

“86. National Fund for persons with disabilities. —

(1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto –

a. all sums available under the Fund for people with disabilities, constituted vide notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted vide notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890 (6 of 1890).

b. all sums payable by banks, corporations, and financial institutions in pursuance of judgment dated the 16th April, 2004, of the Hon’ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

c. all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

d. all sums received from the Central Government including grants-in-aid;

e. all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.”

8. In view of sub-section (2) of Section 86, it is also apposite to take note of Rule 42 of the RPwD Rules, 2017, which reads as under:

“42. Utilisation of the National Fund.-

(1) The amount available under the Trust Fund for empowerment of persons with disabilities and the National Fund for people with disabilities, as on the date of the commencement of the Act, shall form the National Fund.

(2) All monies available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.

(3) All monies belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body may, subject to the general guidelines of the Central Government, decide.

(4) The Fund shall be invested in such manner as may be decided by the governing body.

(5) The Fund shall be utilized for the following purposes, namely:-

- a. financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government or are not adequately funded under any scheme or programme of the Central Government;
- b. for the purpose of implementation of the provisions of the Act;
- c. administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
- d. such other purposes as may be decided by the governing body.

(6) Every proposal of expenditure shall be placed before the governing body for its approval.

(7) The governing body may appoint secretarial staff including accountants, with such terms and conditions, as it may think appropriate, to look after the management and utilisation of the Fund.”

9. Having considered the assertions made in the Compliance Affidavit and the statutory provisions quoted above, we are satisfied that the directions issued by this Court *vide* order dated 14th October, 2014, have been duly complied with. Furthermore, as the statutory regime is in place, no further exercise of the monitoring fund is now considered necessary.

10. In view of the fact that the mandate for which the Committee was constituted has been fulfilled, the Committee stands discharged of its obligations and it

shall be presumed dissolved. Consequently, the CAG is relieved of the responsibility as the Chairperson of the Committee.

11. The Miscellaneous Application shall be treated as closed.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 12, 2026.