

**National Human Rights Commission**  
**Manav Adhikar Bhawan Block-C, GPO Complex, INA,, DELHI -110023**

Rupa Bandyopadhyay,  
Anekanta, 23/1, Joy Narayan Banerjee Lane, Baranagar, Kolkata NORTH 24-PARGANA , WEST BENGAL  
**Dated: 25/10/2022**

Dear Rupa Bandyopadhyay,

The Commission has recieved your complaint and it has assigned diary number as **17901/IN/2022** with the following details:-

**Complainant Details**

<b>Name:</b>	Rupa Bandyopadhyay		
<b>Mobile:</b>	9051184123	<b>Email:</b>	bandyopadhyay.rupa@gmail.com
<b>Address:</b>	Anekanta, 23/1, Joy Narayan Banerjee Lane, Baranagar, Kolkata		
<b>District:</b>	NORTH 24-PARGANA	<b>State:</b>	WEST BENGAL

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**Victim Details**

Complainant and victim are the same person.

**Incident Details**

<b>Incident Place:</b>	Tilak Marg, New Delhi-110001	<b>Incident Date:</b>	11/04/2022
<b>Incident Category:</b>	BUSINESS AND HUMAN RIGHTS		
<b>Incident District:</b>	ALL OVER INDIA	<b>Incident State:</b>	ALL OVER INDIA

Is it filed before any Court / State HRC	Yes, Supreme Court of India, Tilak Marg, New Delhi-110001
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<b>Incident Details:</b>	<p>The Honourable High Court of Bombay in the case of Reliance Nippon Life Insurance v/s DHFL passed orders (30.09.2019—10.10.2019) that restrained the Dewan Housing Finance Corporation Limited (DHFL) from making payments to any of its secured/unsecured creditors, including the payments to any fixed deposit and NCD holders. DHFL was paying its FD and NCD holders till that time. Under Section 45-IE (I) of the Reserve Bank of India Act, 1934, the Indian central bank removed the board of directors of the DHFL. The reasons cited by the banking regulator for the dismissal of the DHFL board of directors were: inadequate governance and the various defaults on its payment obligations. The Reserve Bank of India vide its Order No. DOR NBFC(PD) 986/03.10.136/2019-20 dated 20th November, 2019, superseded the Board of Directors of Dewan Housing Finance Corporation Ltd. under Section 45 IE of the Reserve Bank of India Act, 1934; and appointed Shri R. Subramaniakumar as its Administrator with effect from 20th November 2019. The RBI had also, by its press release dated 22 November 2019, constituted a 3-member committee under Section 45 IE of the Reserve Bank of India Act, 1934, to act as advisors to the Administrator, who is also the resolution professional under the Insolvency and Bankruptcy Code (IBC 2016). On 03/12/2019, CIRP was initiated by an order of the NCLT (C.P. (IB)-4258/MB/2019). DHFL's erstwhile promoter Kapil Wadhawan offered to repay DHFL's creditors in full on 14/12/2020. The RBI-appointed Committee of Creditors (CoC) for DHFL rejected it almost immediately (cf. "Bankruptcy will not void personal guarantees": The Hon'ble Supreme Court. 21/05/2021). Between 03.12.2019 and 17.01.2021, 19 consecutive meetings were conducted by the RBI-appointed CoC within the pandemic. Competing bidders included the Adani Group, Oaktree Capitals, Piramal Group etc. The Resolution Plan submitted by Piramal Group was finally approved by the RBI-appointed CoC on 15/01/2021, avoiding highest bidder Oaktree Capitals. Previously on 03/12/2021, Oaktree Capitals alleged bias/partiality of the RBI-appointed CoC in favour of the Piramal Group. Wadhawan reiterated his offer for 100% repayment, but it again fell on deaf ears. Throughout the official process, the RBI remained but a silent, passive spectator. Piramal's deal marked the decisive financial deprivation of the FD and NCD holders, as their life savings were taken away. The small investors of DHFL thus deprived of their financial rights includes senior citizens, physically challenged persons, ailing patients and widows of the Indian Army personnel. Many of the small investors depended greatly on the interests given by DHFL to get their basic means of subsistence, especially during the pandemic and the economic downfall that the country witnessed in the past couple of years. Following the approved resolution plan, the FD Holders were to only get 23% of their total investment. Consequently, the RBI approved the Resolution Plan of Piramal (18/02/2021). On 19/05/2021, the NCLT ordered the CoC for DHFL to reconsider DHFL's erstwhile promoter Kapil Wadhawan's offer of 100% repayment within 10 days. NCLAT set aside NCLT's order after the Union Bank of India and Ajay Piramal approached the NCLAT with an urgent petition. The RBI-appointed CoC did not even bother to answer the NCLT and thus evidently committed a contempt of the court. On 07/06/2021, NCLT approved the resolution plan of the Piramals, going against its own previous verdict. On 14/06/2021, DHFL's shares got delisted on BSE &amp; NSE. On 03/08/2021, the Standing Committee of the Parliament of India on Finance raps IBC over unsustainable haircuts, said that 13,000 cases worth Rs 9 lakh crore were pending. The committee recommended that the design and implementation of IBC must be revisited and a benchmark must be set for the quantum of haircuts. Thus, the conduct of</p>
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CoCs under IBC got questioned. Thereafter on September 2021, Piramal Capital and Housing Finance started disbursing merely 23% of the total FD amount to the respective FD Holders of DHFL, the rest of the amount going for a major haircut. All this was done on the basis of the RBI and NCLT (second order) approval of the Resolution Plan. On 27/01/2022, the NCLAT ordered the DHFL-CoC to consider 63 Moons Technologies' plea and reconsider its resolution plan in favour of Piramal accordingly. The order clearly declared that the RBI-appointed Committee of Creditors' (CoC) decision to approve the resolution plan of the beleaguered DHFL was "contrary to law" and the plan containing an "illegal" stipulation on recovery of avoidance transactions is not sustainable. The 63 Moons made its appeal on the basis of Section 66 of the IBC, which, according to the 63 Moons, provides for the "benefit of all the creditors" in the long run. The case questioned the deal of Piramal's resolution plan, wherein the approx. 45k crore worth of assets of DHFL were bought by paying only a rupee. Hence, the RBI Approval of the "illegal" resolution plan is also at stake, following the NCLAT second verdict. Piramal approached the Supreme Court on 1st March, 2022, challenging the NCLAT Second Order, followed by Mr. Wadhawan, who approached the Supreme Court with his previous offer for repayment that was rejected by the RBI-appointed CoC. The Supreme Court stayed the NCLAT Second Order on 11/04/2022. Despite the NCLAT order about the illegality of the DHFL CoC, the apex court of India stayed the said order upon hearing Piramal Group's petition. Interestingly enough, the government appointed four independent & unofficial directors on RBI central board on 11/08/2022, perhaps due to the incompetency of RBI Governor Mr. Shaktikanta Das (MA History)! The stay order of the apex court of India thus completely violated the United Nations Guiding Principles on Business and Human Rights, in this context, the "Access to remedy for victims of business-related abuses". It is also observed that the whole process infringes or curtails the fundamental human rights of the small depositor Indian citizens in terms of Articles 32, 14, 21 of the Constitution of India. Presently, Piramal Capital and Housing Finance has acquired DHFL (de facto) by using dubious company names simultaneously: Piramal CHF and Piramal Finance, across various social and print media platforms. Piramal CHF or Piramal Finance (?) is now conducting their business operations freely by financially abusing thousands of small depositors, viz., FD and NCD Holders of DHFL. Keeping in mind the dictum "International law is the vanishing point of jurisprudence", if sovereign government cuts a sorry figure to implement the universal statutes on human rights, a financially abused person has to take his/her recourse to the vanishing point, i.e., parallel international "law".