

GAHC010233482013



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./22/2013

SMTI BINA SHARMA AND ANR
W/O LATE ANIL SHARMA, R/O NIZARA PAR, CHANDMARI, GUWAHATI
781003, ASSAM.

1.2: SUMITRA SHARMA
D/O. LT. ANIL SHARMA
BOTH ARE RESIDENT OF NIZARA PAR
CHANDMARI
GUWAHATI-781003
ASSA

VERSUS

THE BANKING OMBUDSMAN and ORS
RESERVE BANK OF INDIA BUILDING 3RD FLOOR, STATION ROAD,
GUWAHATI 781001

2:SMT. R. VERMA

SECRETARY
THE BANKING OMBUDSMAN
3RD FLOOR
STATION ROAD
GUWAHATI 781001

3:STANDARD CHARTERED GRINDLAYA BANK

GUWAHATI BRANCH
REPRESENTED BY THE BRANCH MANAGER
G.N. BORDOLOI ROAD
AMBARI
P.B. NO. 114
GUWAHATI 78100

Advocate for the Petitioner : MR.P K ROY

Advocate for the Respondent : MR.S C KEYAL

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

21.04.2023

Heard Shri PK Roy, learned Senior Counsel assisted by Shri SK Chakraborty, learned counsel for the applicant/petitioner, who, by means of this application, has prayed for a review of the order dated 06.09.2012 passed in WP(C)/10235/2003.

2. At the outset, Shri Roy, learned Senior Counsel has submitted that this review petition was filed in the year 2013. However, only on the issue of completion of service, it is pending since so long and the last order of the learned Lawazima Court dated 03.02.2023 would reveal that service is complete.

3. The learned Senior Counsel, Shri Roy has submitted that the prayer for review is on account of an observation made by this Court. By referring to the order in question, the learned Senior Counsel has submitted that while disposing of the writ petition, the petitioner was given the liberty to approach the Ombudsman of the Standard Chartered Bank who was to consider the case of the petitioners without being influenced by any observations made in the said order. The said liberty was given by the Court on the presumption that the concerned Standard Chartered Bank has its own Ombudsman. It is pointed out that the Court had come to a finding that the Banking Ombudsman Scheme, 2002 had not manner of application to the Standard Chartered Bank which had its own Ombudsman and on that observation, the liberty was granted.

4. However, Shri Roy, learned Senior Counsel by referring to Second Schedule to the Banking Regulation Act of 1949 which contains the names of the Banks, including the Foreign Banks, has submitted that the Standard Chartered Bank is one of the Banks which is in the Second Schedule and therefore, the Banking Regulation Act, 1949 would be applicable so far as the respondent-Bank is concerned. He, accordingly prays for a review and subsequent modification of the order pertaining to the liberty granted.

5. None has appeared for the respondent-Bank in spite of notice.

6. After hearing Shri Roy, learned Senior Counsel for the petitioners and on perusal of the Banking Regulation Act, 1949, including the Second Schedule, it appears that an inadvertent mistake had occurred in the order dated 06.09.2012 with regard to the availability of Ombudsman of the Standard Chartered Bank.

7. In that view of the matter, the review petition stands allowed. Consequently, the challenge made by the petitioners with regard to the order passed by the Ombudsman which is a subject matter would be taken up for consideration afresh.

8. The Registry is, accordingly directed to list the concerned writ petition, being WP(C)/10235/2003 for hearing expeditiously, as the writ petition is of the year 2003.

9. The review petition stands disposed of.

JUDGE

Comparing Assistant