IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1153 of 2015

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Pradyuman Prasad, son of late Ganesh Prasad, resident of Opposite of A.N.College, Main Gate, Boaring Road, P.S. Srikrishnapuri, District Patna

.... Petitioner

Versus

1. The Chairman Cum Managing Director Union Bank of India, 239 Vidhan Bhawan Road, Mambai- 400021 (Maharsatra)
2. The Regional Manager, Union Bank of India, Regional Office, Mazharul Haque Path, Patna
3. The Chief Manager cum Authorized Officer, Union Bank of India, Nodal Regional Office, Nasheman, Mazharul Haque Path, Patna 800001, Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Respondent/s : Mr. Aditya Sharan

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 23-01-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:

> "(i) To direct the respondent Bank not to realize the further interest from the petitioner on a sanctioned term load of Rs.3,70,000/- (three lacs and seventy thousand) from the bank for personal requirement on 13.5.2005 on different installment and th same was paid with interest by 10th of September 2013 as per letter dated 20.8.2013 on the basis of RBI Scheme for one time settlement (OTS) in the light of notice of the Bank dated 6.9.2013. Inspite of that the Bank started charging the interest without informating from 11.9.2013 till 30.9.2013 with effect from 30.6.2011 which comes of Rs.1 lacs 15 thousand and 391 and odds. (Rs.1,15,391/- after deduction of Rs.4,44.125/- which was deposited by the petitioner to the Bank with interest under the OTS Scheme.

(ii) To restrained the respondents not to further charged of interest because the Bank at once time realized the entire amount with interest of Rs.4,44,125/- whereas the Bank again charges the panel interest over the previous dues after the OTS Scheme dated 10.9.2013. Which is against the norms and rules of the Act and neither any notice nor any information was send by the Bank after OTS Schemed dated 10.9.2013 but later on suddenly the Bank issued letter dated 21.11.2014 received on 29.11.2014 by which the Bank asked the petitioner to appear in the Lik Adalat for full and final settlement, then petition 2.12.2014 obtained the Bank statement and found that after payment of full dues the Bank started charging panel interest from the previous dues which is not permissible in the eye of law.

(iii) To direct the respondent Bank to return the mortgage documents of deed and other relevant papers which has been confined in the bank as securities."

Having regard to the fact that the claim of the petitioner in this writ application could have been easily gone into and adjudicated before the Banking Ombudsman, this writ application is ill-advised and in fact is misconceived.

When such an observation has been made learned counsel for the petitioner wants disposal of this writ application so that he can approach the Banking Ombudsman.

This application is, accordingly, disposed of with a liberty to the petitioner to approach the Banking Ombudsman.

(Mihir Kumar Jha, J)

surendra/-

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