IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 643 OF 2016

Smt. Babita Khandelwal & Anr. .. Petitioners
V/s
The Branch Manager,
Central Bank of India & Ors. .. Respondents

Mr. Abhishek P. Deshmukh for the petitioners.
None for the respondents.

CORAM : D.H. WAGHELA, CJ. & M.S. SONAK, J.

DATE : 11th MARCH 2016

P.C.:

Without mentioning any Article of the Constitution in the cause title, the petitioners have approached this Court by way of a writ petition praying for direction to respondent no.1 – Central Bank of India to hand over the documents which are lying with them and directing respondent no.4 – Deputy Governor of Reserve Bank of India to decide the appeal of the petitioners by giving an opportunity of hearing to the petitioners, which appeal is stated to be pending before the Deputy Governor of Reserve Bank of India. The petitioners have further prayed for a direction to the respondents to pay to the petitioners a sum of Rs.25 lakhs towards mental agony and losses and expenses incurred by the petitioners.

2. Learned counsel opened the arguments with a simple submission that the petitioners only want expeditious hearing of the appeal of the petitioners, which is pending before the Deputy Governor of Reserve Bank of India, who is not deciding the appeal under the Banking Ombudsman Scheme, 2006 ("BOS" for short). Upon query being made about the relevant facts, learned counsel has referred to the order dated 7th July 2011, which is expressly made under clause 13(c) of BOS, and the complaint of the petitioners, which is expressly rejected and closed by that order. The so-called appeal of the petitioners to the appellate authority is dated 8th February 2013 and it is expressly stated to be under clause 16 of the BOS. It is seen from the BOS that the Banking Ombudsman is empowered to reject the complaint at any stage if it appears to him that, inter alia, the complaint requires consideration of elaborate documentary and oral evidence and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint. According to the express provisions of clause 14 of the BOS, an appeal from the order of the Ombudsman made under the BOS is not maintainable in case the appeal is rejected on the ground as aforesaid clearly mentioning sub-cause (c) of clause 13 of BOS. Thus, the so-called appeal, which is stated to be pending before the Deputy Governor of Reserve Bank of India, is not maintainable in the first place and the petitioners have sought a direction to expedite the hearing of the appeal.

3. Upon the above aspect becoming clear, during the course of argument, it was submitted that the petitioners are aged persons and they are entitled to certain reliefs on the basis of facts and contentions which are no where admitted. The petitioners have annexed voluminous material with the petition and if only notices were issued for hearing the respondents, it would cause considerable costs and expenses to each respondent besides wasting the public time of the court.

4. The petition being frivolous and vexatious, it is dismissed at the threshold with costs quantified at Rs.10,000/- which the petitioners shall pay within a period of one month to the Maharashtra Legal Aid Services Authority.

(M.S. SONAK, J.) **(CHIEF JUSTICE)**