

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.785 OF 2016

Vu Technologies Private Limited : Petitioner.
Versus
The Banking Ombudsman and ors. : Respondents.

Mr. P K Dhakephalkar, Senior Advocate a/w Mr. Mayur Khandeparkar and Mr. Nausher Kohli i/by Ashok Purohit & Co. for the Petitioner.

Mr. Mihir Mody a/w Mr. Nirav Parmar i/by M/s. K Ashar & Co. for the Respondent Nos.1 and 3.

Mr. Pranil Sonawane a/w Ms. Vinita Hombalkar i/by Orbit Law Services for the Respondent No.2.

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.**
DATE : 13th JULY 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 15/01/2015 passed by the Respondent No.1 – The Banking Ombudsman. The application filed by the Petitioner was principally for the return of their security documents and for the issuance of a “No Dues Certificate” by the Respondent No.2 Bank. On the said application, the Respondent No.1 has passed an order treating the matter as closed as according to the Respondent No.1 further examination of the case requires consideration of elaborate documentary and oral evidence under oath and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint.

2 Having regard to the scope of the inquiry which is entailed, having regard to the nature of the application filed by the Petitioner, we do not subscribe to the view taken by the Respondent No.1 in the impugned order. We are also not satisfied with the manner in which the matter is dealt with by the Respondent No.1. The Respondent No.1 in the instant case is required to take into consideration the relevant facts which have come on record and thereafter decide the application filed by the Petitioner. It is required to be noted that most of the facts are undisputed facts and therefore there is no question of entering into any inquiry into facts. We therefore set aside the impugned order dated 15/01/2015 and direct the the Respondent No.1 to de-novo consider the application of the Petitioner within 12 weeks from date. Needless to state that the contentions of the parties are kept open for being urged before the Respondent No.1. Needless to further state that the Respondent No.1 would consider the application of the Petitioner independently uninfluenced by his earlier order. The Petitioner would be at liberty to file additional reply within three weeks from date.

3 With the directions as aforesaid, the above Writ Petition is disposed of.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]