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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 8910/2015 and CM No. 20019/2015

AUM JEWELS

..... Petitioner

Through: Mr Pankaj Bhatia, Mr Dhruv, Mr Ashish Chaudhury and Mr Nipun Goel, Advs

versus

UNION OF INDIA & ORS

..... Respondent

Through: Ms Shruti Manjal, proxy for Mr Ankur Chhibber, Adv for R-1
Mr H.S. Parihar and Mr Kuldeep S. Parihar, Advs for R-2&3
Ms Aradhana Bir, Adv for R-4

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

O R D E R

% **09.08.2017**

Respondent No. 4 is the Vijaya Bank. Respondent No. 4 has put in appearance. Pleadings qua other respondents are complete. Respondent Nos. 2 and 3 are the Reserve Bank of India and Banking Ombudsman of the Reserve Bank of India.

The prayer made in the present petition is that the complaint made by the petitioner dated 29.06.2015 has been disposed of by a non-speaking order. Attention is drawn on annexure 24 which is the order of the Ombudsman wherein he has recorded that the complaint of the petitioner is not maintainable as an earlier complaint (No. 201516014000725) has already been closed under clause 9.3(d) of Banking Ombudsman Scheme 2006 and since this complaint is a duplicate complaint, it is not in accordance with the requirements of the clause 9(3)(c) of the Banking Ombudsman Scheme. Learned counsel for the petitioner points out that there is no other order which has been passed by the Banking Ombudsman which is in the knowledge of the petitioner and which has been referred to in annexure 24.

Learned counsel for the respondent has drawn attention of the court to annexure 25 which is an order passed under the approval of the Banking Ombudsman and makes reference to the aforenoted complaint (201516014000725).

Learned counsel for the petitioner rightly points out that neither these orders are speaking much less reasoned orders. Contentions of the petitioner have not been considered by the respondent. Gist of the complaint of the petitioner is that the interest which has been levied by Vijaya Bank (respondent No. 4) was in excess and he had sought a concession for the same. Learned counsel for the petitioner again points out that this has not been decided by the Ombudsman.

A perusal of the aforenoted documents clearly substantiates the submission of the petitioner; neither annexure 24 and nor annexure 25 in any manner are speaking orders or reasoned orders.

This court is of the view that the aforenoted orders neither being speaking and nor reasoned orders, in the interest of justice, the petitioner not having been heard in the matter, this is a fit case that the matter be remitted back to the Banking Ombudsman who shall decide the complaint dated 29.06.2015 of the petitioner afresh in accordance with the guidelines of Banking Ombudsman Scheme 2006. He shall pass a speaking and reasoned order.

The petitioner to appear before the Banking Ombudsman on 25.09.2017at 3 pm, who shall decide the complaint of the petitioner within an outer limit of three months from the date of receipt of this order.

Petition disposed of.

Dasti under the signature of the Court Master.

INDERMEET KAUR, J

AUGUST 09, 2017
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