

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2598 of 2018

- SBT Spintex Private Limited, a Company duly incorporated under the Relevant Provisions Of The Companies Act Through Its Director Mr. Vipul Jain, Having Its Office At Plot No. 2 & 1 (Part), Urla Industrial Area, Raipur Tehsil and District Raipur, Chhattisgarh

---- Petitioner

Versus

- Bank Of India Through Its Chief Manager, Bhilai MCB Branch, Bhilai Chhattisgarh, Presently Shifted to Bank of India, Zonal Office, Tatyapara, Raipur, Chhattisgarh

---- Respondent

For Petitioner

Shri Vivek Chopda, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

24/09/2018

1. Petitioner has obtained loan from the respondent Bank. The grievance of the petitioner is that the respondent has charged higher amount of interest than the agreed rate of interest, therefore, the respondent is liable to refund the excess amount to the petitioner.
2. It appears, the matter in issue has arisen out of a loan contract and the petitioner had earlier approached the banking Ombudsman, which had advised the parties to resolve the dispute amicably. Petitioner's subsequent representation to the Ombudsman has also been disposed of for the reason that a prior complaint has already been disposed of.

3. The transaction between the parties is arising out of a contract; any dispute for breach of contract or acting in excess of the terms of the contract would be in the realm of pure civil dispute for which the writ Court is not entitled to interfere. If the petitioner so desires, it may approach the jurisdictional Civil Court for recovery of the amount of interest allegedly charged in excess by the respondent Bank.
4. The writ petition is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Nirala