IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2336 OF 2017

WITH

IPA NO. 173 of 2017

IN

WRIT PETITION NO. 2336 OF 2017

WITH

IPA NO. 212 OF 2017

IN

WRIT PETITION NO. 2336 OF 2017

Retd. ACP- Shinde Sarjerao Mahadev .. **Petitioner**

VERSUS

Governor – Reserve Bank of India & Ors. .. **Respondents**

....

Mr. S.M. Shinde Petitioner-in-person.
Mr. A.L. Patki-AGP for State.
Mr. Dushyant Kumar for Respondent No. 2.

....

CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

DATE : 15 JUNE, 2018

P.C. :-

1. Heard petitioner-in person and Mr. Patki learned Counsel for the Respondent-State. Perused the petition and the

annexures thereto. The petitioner has sought following reliefs :-

"(a) Be pleased and directing to said Respondents No. 1 to 8 that 'Board of Bank' it is not banking policy making authority of Central Government. And therefore the Central Finance Ministry is banking policy making authority.

(b) In-fact that majority, the 'Central Cabinet Finance Minister' is the banking policy making authority in India. And therefore not to apply delegated legislation against the Petitioner by said Respondent No. 1 to 8.

(c) To withdraw the amount at-least bank balance of Rs. 1, State Bank of India, or any other bank cannot be restriction to the Petitioner. If said bank arbitrary restricts, pay the compensation of Rupees one crore to the Petitioner.

(d) And therefore to stop corrupt and illegal practice for minimum balance of Rs. 5,000/- on S/B account for the Petitioner.

(e) And to said arbitrary office letter of said Respondent No. 3's on 01.06.21017 Under Article 100 of

the Limitation Act, 1963, i.e. to Exhibit-'E' page No. 43-44. before Hon'ble This Court, 'set aside'.

(f) And interim relief for clause (a) to (e) at the time of hearing to this Writ Petition and final disposal for natural justice in favour of the Petitioner."

2. The basic grievance of the petitioner is against communication dated 01.06.2017 issued by the State Bank of India. By the said communication petitioner was informed that, as per the Revised Saving Bank Rules a minimum monthly available balance is required to be maintained in accounts and non maintenance of minimum available balance will attract charges. The communication further discloses that, in metro areas the minimum balance of Rs.5,000/- is required to be maintained in the account. The petitioner against this communication approached the Reserve Bank of India by representation and Reserved Bank of India informed the petitioner by letter dated 11th August, 2017, that minimum balance is required to be maintained. In view of the circular dated 20th November, 2004, they have informed all the scheduled commercial banks to intimate to the customer to maintain minimum balance in account.

3. It is the petitioners contention that, by virtue of provisions of Article 21 of Constitution of India, he has a fundamental right and he can maintain the account with one rupee balance also. We are unable to accept this submission. It is the policy decision taken by the Reserve Bank of India after extensive consultation with banks and taking into consideration recommendation of Damodaran Committee. The policy decision cannot be said to be arbitrary or discriminatory. We do not find fault with the same. We are therefore not inclined to interfere in the same.

4. The petition is devoid of merits and same is accordingly dismissed. Interim applications, if any, taken out in this Writ Petition no more survive and the same are accordingly disposed of.

[SMT. ANUJA PRABHUDESSAI, J.] **[RANJIT MORE, J.]**

Shubham