IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2018

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1853 of 2018

M/s.INMA International Ltd.,
rep. by its Chief Executive Officer,
Mr.J.Thiruvarasan,
No.292 Avvai Shanmugam Salai,
Gopalapuram, Chennai. ... Appellant

Versus

1. The Secretary,
   Department of Financial Services,
   Ministry of Finance,
   Government of India,
   Jeevan Deep Building,
   3rd Floor, Sansad Marg,
   New Delhi-110 011.

2. The Governor,
   Reserve Bank of India, Mumbai.

3. The Director,
   Central Bureau of Investigation,
   Plot No.5-B, 6th Floor, C.G.O. Complex,
   Lodhi Road, Jawaharlal Nehru Stadium Marg,
   New Delhi 110 003.

4. Indian Overseas Bank,
   rep. by its Managing Director,
   No.726, Anna Salai, Chennai 600 002.

5. Credit Information Bureau (India) Ltd.
   in Association with DUN & Bradstreet and
   Transunion
   Registered & Corporate Office
   at Hoechst House, 6th Floor,
   No.193, Backbay Reclamation,
   Nariman Point, Mumbai 400 021. ... Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 13.11.2017 passed in W.P.No.1421 of 2017 on the file of this court.

Prayer in W.P.No.1421 of 2017:

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd Respondent to take on file the complaint of the petitioner herein and expeditiously investigate and proceed in accordance with law as to how a dubious fraudulent parallel account was created and whether huge bank money was swindled by the 4th Respondent officials.

For appellant : Mr.T.Sai Krishnan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant for some time.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for a direction to the third respondent-Central Bureau of Investigation to take on file the complaint of the appellant/writ petitioner and expeditiously investigate and proceed in accordance with law as to how a dubious fraudulent parallel account was created and whether huge bank money was swindled by the fourth respondent bank's officials.

3. It appears that in the year 2000, the appellant/writ petitioner had availed financial assistance by way of cash credit limit to the extent of 13,00,00,000/- and Inland Letter Credit to the tune of Rs.6,00,00,000/- as against security of property worth Rs.30 crores and as on 5.1.2015, according to the appellant/writ petitioner, they owe to the fourth respondent-Bank only a sum of Rs.16,34,74,930.20 and by then, it appears that the appellant met with a business loss and unable to repay the outstanding and hence, to overcome such situation, they had approached some other financial institutions and consequently, they had come to know that as per the report of the fifth

respondent-Credit Information Bureau (India) Limited (CIBIL), they owe a sum of Rs.32 crores to the fourth respondent-Bank, whereas, according to the appellant, the actual liability could only be Rs.15,76,56,258/-. Subsequently, when the appellant took the matter to the fifth respondent and the Governor, Reserve Bank of India, the dispute was sorted out and it was found that during the conversion of 17 digit of the account held by the appellant into 15 digit as per the guidelines of the Reserve Bank of India, a mistake had crept in at the level of the fourth respondent by non-merging of credit information in respect of the 17 digit account and 15 digit account and thereby they credit information was submitted to CIBIL as Rs.32 crores. It also appears that the CBI had acted upon the complaint of the appellant and directed he Chief Vigilance Officer, IOB-fourth respondent to verify and ascertain the existence of any prima facie allegations and in such case to prefer complaint either with the local police or with CBI and consequently, the Vigilance Department of the fourth respondent also found that no prima facie allegations exist in the matter.

4. Having analysed the above aspects in detail, the learned Single Judge has observed as under:

> "21. Apparently, in this case, a dispute has arose and the communication between the parties since 21.11.2015 till 30.3.2016 centres around the dispute and the settlement of the said dispute. Despite rectification of the duplicate entries, if the writ petitioner is under the impression that the duplication is not in innocuous error crept inadvertently but, with intention to cause wrongful loss to the company, it is always open to the writ petitioner to seek damages under the common law remedy.
>
> 22. From the records, it appears that neither the RBI nor the IOB nor CBI could find any prima facie material in the complaint given by the writ petitioner to infer any wilful omission or false statement knowingly furnished by IOB officials. In such circumstances, this court is not inclined to entertain this writ petition seeking mandamus."

5. It is seen that no prima facie material is found in the complaint given by the appellant either to the Reserve Bank of India or Indian Overseas Bank-fourth respondent or Central Bureau of Investigation-third respondent. It appears that the

dispute is between the appellant and the respondent-Bank and the respondent-Bank has also admitted that certain mistake in calculation had crept in, which were later rectified and thereby the dispute was resolved.

6. In view of the above, we do not find any no scope for interference with the order passed by the learned Single Judge in rejecting the claim of the appellant seeking CBI investigation in the case. If at all aggrieved, it is for the appellant to approach the civil court as advised by the learned Single Judge and there is no scope for referring the matter to CBI as we are of the view that the appellant is over anxious of the issue. The writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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+1cc to Mr.T.Saikrishnan, Advocate Sr.60234

W.A.No.1853 of 2018

ss[co]
srg 11/10/2018