

V.Vishal
2018.05.01 15:45

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.14703 of 2018
Date of Decision: 31.05.2018**

Harmeet Singh & Ors.

...Petitioners

VS.

PNB Home Finance Ltd. & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan**

Present: Mr. Shailender Kashyap, Advocate for the petitioners

SURYA KANT J. (Oral)

(1) The grievance of the petitioner in the instant case is that on account of the premature payment of the house loan availed by them from respondent No.1, a sum of ₹ 8,53,496 was arbitrarily levied on them towards payment of foreclosure/pre-payment charges. The recovery of these charges, according to the petitioners, is contrary to the RBI Circular. The petitioners agitated the matter vide complaints dated 12.07.2017 and 11.08.2017 (P8 colly) sent to the RBI which were forwarded to the first respondent i.e. PNB Home Finance Ltd., who has turned down the petitioner's claim vide impugned communication dated 04.01.2018 (P11) on the plea that loan pre-payment fee is applicable in the case of petitioners' loan account as HUF are co-borrower(s). The petitioner's case is that the HUF is not to be treated at par with a company or firm for the purpose of levy of foreclosure or pre-payment charges on the home loan account.

(2) As prayed for, the writ petition is disposed of with a direction that let the petitioners submit a fresh representation against the above-stated order clarifying the factual plea now taken in the writ petition and let such a representation be re-considered by the authorized representative of respondent No.1&2 in accordance with the law within two months from the date of receipt of the same.

**(Surya Kant)
Judge**

31.05.2018
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**(Shekher Dhawan)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

**Yes
No**