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

\+ **W.P.(C) 668/2018 & CM No. 2900/2018**

SHAMLI KAWATRA ..... Petitioner

Through: Ms Simran Sonia, Advocate.

versus

STATE BANK OF INDIA AND ANR. ..... Respondents

Through: Mr Akshay Deep Singhal, Advocate for SBI/R-1.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 26.07.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

> "i. issue a writ of mandamus or an appropriate writ or other applicable writ or order declaring the closure of the PPF Account No. 10502330398 on October 18, 2016 by Respondent No.1 as illegal.
>
> ii. issue an appropriate writ and directing the Respondent No.1 to restore the PPF Account and convert it to the sole operation of the Petitioner."

2. The present petition is premised on the basis that the petitioner's Public Provident Fund (PPF) Account no.10502330398 was prematurely closed on 18.10.2016. The account was opened on December 9, 1999 by the petitioner's father as her guardian as she was a minor at the relevant time. Ten days prior to the petitioner attaining the age of majority the petitioner's

father withdrew the amount from her PPF Account.

3. The petitioner claims that she is in dire need of funds and the action of the father in prematurely withdrawing and appropriating the amounts is illegal. The petitioner further alleges that respondent bank has also not followed the due procedure with regard to premature closure of the PPF Account inasmuch as the petitioner's father had not produced any document which would show any dire medical emergency or the requirement of funds for higher education of the petitioner.

4. The learned counsel appearing for the petitioner referred to a notification dated 18.06.2016 and drew the attention of this Court to paragraph 2 of the said notification. The relevant extract of the said notification reads as under:-

> "2. In the Public Provident Fund Scheme, 1968, in Paragraph 9, for sub-rule 3(C), the following sub-paragraph shall be substituted, namely:-
>
> "(3C) A subscriber shall be allowed premature closure of his account or the account of a minor of whom he is the guardian, on a written application to the Accounts Office on any of the following grounds namely:-
>
> (i) that the amount is required for the treatment of serious ailments or life threatening diseases of the account holder spouse or dependent children or parents on production of supporting documents from competent medical authority;
>
> (ii) that the amount is required for higher education of the account holder or the minor account holder, on production of documents and fee bills in confirmation of admission in a recognised institute of higher education in India or abroad:
>
> Provided that such premature closure shall be allowed only

after the account has completed five financial years."

5. She earnestly contended that premature closure of the PPF account was thus illegal and the respondent bank is liable to compensate the petitioner for the same.

6. The present petition is based on an erroneous premise that PPF Account in question was closed prematurely. Respondent no.1/State Bank of India has filed the counter affidavit wherein it has been clearly stated that the PPF Account in question was closed on 18.10.2016 after its maturity and the amount was transferred to the account of respondent no.2 (petitioner's father).

5. In view of the above, respondent no.1 was not required to demand any explanation as to how the funds were to be used. The said requirement is only applicable where PPF Account is closed prematurely.

6. The petitioner may have grievances against respondent no.2. However, the action of respondent no.1 in closure of the PPF Account cannot be faulted. In view of the above, the present petition is disposed of by leaving it open for the petitioner to seek her remedies against respondent no.2 in accordance with law.

7. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 26, 2018
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