

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 844 OF 2019

UMAKANT RAGHOBHA KHOT., ... Petitioner

Versus

THE GENERAL MANAGER/ THE ASST.
GENERAL MANAGER, RESERVE BANK OF
INDIA AND 2 ORS., ... Respondents

Ms. Asha A. Desai, Advocate for the Petitioner.

Mr. Gaurang D. Panandiker, Advocate for Respondent No.1.

Mr. J.J.Mulgaonkar and Ms. Rupa Banaulikar, Advocates for
Respondent Nos.2 & 3.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 11th November, 2019

P.C.:

Heard learned Counsel for the parties.

2. In this case, the Reserve Bank of India(RBI) has issued directions under Section 35A of the Banking Regulation Act, 1949 in terms of which withdrawals above Rs.50,000/- are not permitted from the respondent No.2 bank. However, Mr. Panandiker, learned Counsel agrees that in exceptional cases of hardships, withdrawals in excess of the ceiling prescribed, may be permitted by the RBI. On instructions, he submits that in case the petitioner makes a representation to the RBI, such

representation will be disposed of in accordance with law, within a period of three weeks from the date, the same is made.

3. Ms.A. Dessai, learned Counsel for the petitioner on the basis of instructions from the petitioner, states that such representation may be made within one week from today. She submits that a personal hearing may also be granted to the petitioner, since it is a case where the petitioner had withdrawn amounts from his Provident Fund Account and thereafter, deposited the same with the respondent no.2 bank for repair of his house which is in urgent need of repairs. According to us, in the peculiar circumstances of the present case, the RBI to give an opportunity of hearing to the petitioner before disposing of his representation.

4. This petition is disposed of by directing the RBI to consider the representation of the petitioner, in accordance with law and on merits within four weeks period from the date on which it is made.

5. The RBI to grant personal hearing to the petitioner at its office in Goa.

6. Mr.Panandiker,learned Counsel states that if the representation indeed is made within one week from today,

hearing will be given to the petitioner on 28.11.2019 at 3.00 p.m. at the RBI office at Pato, Panaji in Goa.

7. Ms. Dessai, learned Counsel takes notice of this date and time and states that there shall be no necessity of any fresh notice.

8. The petition is disposed of on the aforesaid terms, on its own merits and in accordance with law/guidelines in force.

9. No orders as to costs.

10. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-