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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 352 OF 2015

M/s Pioneer Synthetics & Ors.

..Petitioners

Vs

The Deputy Governor, Reserve Bank of India & Ors. **...Respondents**

Mr. Zain Mookhi a/w Mr. Sunil Vyas and Mr. Birrul I/b Mansukhlal Hiralal & Co. for Petitioners.

Mr. Anilkumar Patil for Respondent Nos. 4 to 7.

**CORAM : A.A. SAYED &
A.S.GADKARI, J.J.**

DATE : 15 January 2019.

P.C.:

1] The Petitioners have challenged the Order dated 16 September 2014 passed by the Reserve Bank of India dismissing the Appeal of the Petitioners. The said Appeal was filed challenging the decision of the Ombudsman dated 28 March 2014. The Order dated 28 March 2014 of the Ombudsman reads as under:-

“1. Please refer to your complaint dated February 11, 2014 against Tamilnad Mercantile Bank Ltd.

2. The bank's comments were called for. On examination of reply from Tamilnad Mercantile Bank Ltd. Vis-a-vis your complaint, it

is observed that as per Clause 19 of your partnership deed, it is clearly indicated that all disputes between the partners be referred to Arbitrators one to be appointed by each party to the difference, in accordance with and subject to the provisions of Indian Arbitration Act, 1996. Therefore there is no deficiency in customer service on the part of the bank.

3. In view of the above we are treating the complaint as dealt with and are closing the same under 13 (d) of the BOS-2006 which states that “the Banking Ombudsman may reject a complaint at any stage if it appears to her that the complaint made is without any sufficient cause”.

4. This has been issued as per the directions of the Banking Ombudsman.

2] In the facts and circumstances of the case, in our view, the action of the Respondent-Bank in freezing the account of the partnership firm at the instance of one of the partners, on account of the inter-se disputes between the partners cannot be faulted and it cannot be said that, there was any deficiency in service on behalf of the Respondent-Bank.

3] Even otherwise, in view of the concurrent findings of both the Authorities below, we are not inclined to exercise the extra-ordinary writ jurisdiction of this Court. It is open for the Petitioner to invoke appropriate remedies available to it in law, if so advised.

4] With the aforesaid observations, the Petition is dismissed. No costs.

(A.S.GADKARI, J.)

(A.A. SAYED, J.)