

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 19042 of 2019

M/s. Ganesh Cartons India Private Limited,
Rep. by its Joint Managing Director,
Mr.N.Kumaraperumal,
No.871/1, Lotus Colony,
Masilamani Street, Thattan Kulam Road
Madavaram, Chennai - 600 058

.... Petitioner

Vs.

1.The Banking Ombudsman,
Office of the Banking Ombudsman,
Reserve Bank of India Building 2nd Floor,
Fort Glacis, No.16,
Rajaji Salai, Chennai - 600 001.

2.The Chief Manager,
State Bank of India - Ambattur SME Branch,
No.86 A & B, II Main Road,
Ambattur Industrial Estate,
Chennai - 600 058.

.... Respondents

Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the Second Respondent to credit a sum of Rs.16,95,000/- (Rupees Sixteen Lakhs and Ninety Five Thousand Only) along with its accrued interest from 06.06.2015 to till date into the petitioner account bearing the No.34981510897, State Bank of India, SME Ambattur Branch that the Second Respondent has unauthorizedly debited on 06.06.2015.

For Petitioner : Mr. G.Krishnakumar
For Mr. V.S. Senthilkumar

O R D E R

The Writ Petition has been filed challenging the order No. BO(Che)/ 1690/201819006001240/2018-19 dated 06.09.2018 passed by the First Respondent, viz., Banking Ombudsman, closing the complaint of the Petitioner as not maintainable by clause 9(3)

(b) of the Banking Ombudsman Scheme, 2006, which states as follows:-

"No complaint to the Banking Ombudsman shall lie unless the complaint is made not later than one year after the complainant has received any reply of the bank to this representation or, where no reply is received, not later than one year and one month after the date of the representation to the bank."

2. When it was pointed out that the refusal of the First Respondent to entertain the complaint of the Petitioner could not be faulted and that the dispute sought to be redressed by the Petitioner requires to be decided after recording evidence of parties on their rival contentions, Learned Counsel for the Petitioner sought permission of this Court to withdraw the Writ Petition with liberty to institute suit before the jurisdictional Civil Court for the said purpose and has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Banking Ombudsman,
Office of the Banking Ombudsman,
Reserve Bank of India Building 2nd Floor,
Fort Glacis, No.16,
Rajaji Salai, Chennai - 600 001.

2.The Chief Manager,
State Bank of India - Ambattur SME Branch,
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+1cc to Mr.V.S.Senthilkumar, Advocate Sr.57945

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srg 30/07/2019