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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11th September, 2019

+ W.P.(C) 9839/2019

AMIT SAHNI

..... Petitioner

Through: Petitioner in person

versus

RESERVE BANK OF INDIA AND ANR.

..... Respondents

Through: Mr. H.S. Parihar & Mr. Kuldeep S. Parihar, Advs. for R-1

Mr. Naginder Benipal, Sr. Panel Counsel with
Mr. Shoumendu Mukherji, G.P.,
Mr. Naveen Chaudhary & Mr. Gagan Kumar,
Advs. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.40630 /2019 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 9839/2019

1. This so called public interest litigation has been preferred with the following prayers:

“i. Issue a writ in the nature of Mandamus or any other writ of like nature thereby passing order or direction to the respondents to implement One Time Password (OTP) for making payment on International Websites in larger public interest.

ii. Issue a writ in the nature of Mandamus or any other writ of like nature thereby passing order or direction to the

respondents to use OTP or any other layer of security in order to put intending account holder to notice and to seek consent of such account holder before transferring of funds, while making online transactions.

iii. Issue further order(s) or direction(s) to the respondents for directing Banks not to release any amount using such Debit Cards/Cards, which allows deduction of money without entering PIN/Password.

iv. Pass any other appropriate Order or Direction as this Hon'ble Court may deem fit."

2. Having heard the petitioner in person and looking into the facts and circumstances of the case, nothing could be pointed out by the petitioner in person, that an One Time Password (OTP) is must before making any payment within India for purchasing an item from international, or even from national websites. It further appears that an OTP may not be required by every website even within India and it all depends upon the facts and circumstances of the case. Before purchasing any item, enough warnings are given by the concerned website about address, amount etc. and thereafter credit/debit card number is to be filled up. Be it as it may, to purchase an item from the international website, OTP is not must. If any person is so much apprehensive for purchase of an item from international website without OTP, the said person is advised not to purchase from it. Within India every website does not provide OTP and as stated hereinabove several types of warnings are given and thereafter credit/debit card number should be entered. If a confused minded person is purchasing any item and if he is not sure whether to purchase or not to purchase, then such difficulty arises otherwise not. Before purchase of the item, the websites clearly describes what items are being sold. The websites also clearly mentions the verification of the address of the purchaser. The websites also point out amount to be paid by the purchaser and thereafter the credit/debit card

number is to be given. The petitioner is unable to convince us that any justification for issuance of a *mandamus* to make entry of OTP mandatory for all online transactions with international websites, exists. These are matters of fiscal policy and the Reserve Bank of India, as the nodal regulatory agency of the country, is undoubtedly 'alive' to all legitimate concerns, which it wants inevitably addressed.

3. Issuance of a *mandamus*, in fiscal matters, to legislate, or even to frame a policy, in a particular manner, is an exercise ordinarily to be avoided, courts being poor arbiters of intricate economic and financial issues having perilously sensitive national and international ramifications, fiscal and otherwise.

4. Nonetheless, as and when such type of cases involving the security issues as raised in this petition, come up, the Court shall decide the issue involved in the case looking into the facts of the case. In the present case, in general, the apprehensions have been mentioned which does not warrant grant of any of the reliefs as prayed for in the memo of this writ petition.

5. With the aforesaid observations, this writ petition is dismissed.

CM APPL.40631 /2019

6. In view of the order passed in W.P.(C) 9839/2019, this application is also dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 11, 2019/ns