

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 45147 of 2018

ORDER:

This writ petition is filed for the following relief:

“...to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing an order in pursuant to the representation of the petitioner dated 23.09.17 against the rejection order of the 2nd respondent dated 13.09.2017 to avail the facility for exchange of Specified Bank Notes during grace period for the amount of Rs.4,51,500/- deposited by the petitioner is arbitrary, bad and illegal and contrary to the principles of natural justice and Articles 21 and 300A of the Constitution of India and consequently direct the 1st respondent to pass an order in the representation given by the petitioner dated 23.09.2017 in the interest of justice...”

The brief facts relevant for the purpose of disposal of the writ petition are: The petitioner deposited a sum of Rs.4,51,500/- on 01.02.2017 with the Reserve Bank of India, Chennai under Tender Receipt No. CHE 3077. The amount deposited by the petitioner is in the form of Notes which have been drawn under Government of India Gazette Notification No.2652 dated 08.11.2016 withdrawing Rs.500/- and Rs.1000/- (specified bank notes). The said Notification provided a window for depositing the demonetized SBNs into their personal accounts from 10.11.2016 to 30.12.2016. With respect to the individuals who are abroad, the said window was extended up to 31.03.2017. Such facility was also provided to the Indians, who are abroad, during the period between 09.11.2016 and 30.12.2016. However, Respondent No.3-State Bank of India confirmed that the petitioner had deposited monies

between 09.11.2016 and 30.12.2016 in her personal account maintained in usual course. Respondent No.2-Reserve Bank of India, *vide* communication dated 13.09.2017, therefore, rejected the claim of the petitioner that she had not deposited the money between 10.11.2016 and 30.12.2016 as per letter No. DCM(Plg) No.2170/10.27.00/2016-17 dated 31.12.2016 addressed by respondent No.2.

Though notices were served on respondent Nos.1 and 2, no counter-affidavit is filed and there is no representation on their behalf.

Respondent No.2 *vide* its letter, dated 31.12.2016, communicated the following information to all the Banks:

“Facility for exchange of Specified Bank Notes (SBNs) during Grace Period-Verification of KYC and Account details

Please refer to the GoI Ordinance No.10 of 2016 dated December 30, 2016 on “The Specified Bank Notes (Cessation of Liabilities).

2. In terms of Paragraph 4.1 of the above, a facility for exchange of SBNs is made available for the resident and non-resident citizens who could not avail the facility from November 10 to December 30, 2016 on account of their absence from India during the aforementioned period. In particular, the above facility is available only to those tenderers whose accounts are KYC complaint and those who have not deposited SBNs into their accounts from November 10 to December 30, 2016.

3. As the above information is available with the banks, specific offices of RBI will be approaching the banks for: (i) confirming the KYC status and (ii) information on deposits of SBNs, if any, into the accounts of the tenderers. The banks are, therefore, advised to put in place an arrangement to furnish the required information within 07 days from the date of receipt of request. Towards this, the banks may designate an officer in

the rank of General Manager as Nodal Officer who may be contacted by our Offices. The name, contact details (including mail id) of the Nodal officer may be mailed.

4. Place acknowledge receipt.”

Learned Standing Counsel for respondent No.3 asserts that in response to the above said letter, the confirmation of the account details with respect to the petitioner was sent to the Manager, Issue Department, Reserve Bank of India, Chennai as required. He further asserts that now, it is respondent No.2 to act on the confirmation in terms of the letter, dated 31.12.2016.

In those circumstances, the writ petition is disposed of directing respondent No.2 to take appropriate steps in terms of the letter dated 31.12.2016 after taking into consideration the account confirmation details sent by respondent No.3 with respect to the petitioner to the effect that no amounts were deposited by her during the period between 10.11.2016 and 30.12.2016.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:10.01.2020

kdl