

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

202

CWP-9320-2020 (O&M)

Date of Decision: 23rd September, 2020

Kotak Mahindra Bank Ltd.

--Petitioner

Versus

Banking Ombudsman & others

--Respondents

**CORAM:- JUSTICE S.MURALIDHAR.
JUSTICE AVNEESH JHINGAN.**

Present:- Mr. D.K. Singal, Advocate for the petitioner.

Mr. Nitin Jain, Advocate for respondent no.2.

Dr. S. Muralidhar, J.

1. The admitted position is that proceedings are currently pending in the Debt Recovery Appellate Tribunal ('DRAT') at the instance of Respondent No. 2 and, in fact, the appeal in the DRAT is said to be fixed for hearing on 16th September, 2020.

2. It appears that, in the meanwhile, Respondent No. 2 approached the Respondent No. 1/Banking Ombudsman by invoking the Banking Ombudsman Scheme, 2006, alleging deficiency of services by the Petitioner and seeking details in respect of the very loan which is the subject matter of the proceedings in the DRAT. Pursuant thereto, the Banking Ombudsman passed the impugned orders dated 3rd February, 2020, 27th February, 2020 and 13th March, 2020 in the complaint submitted by Respondent No. 2.

3. Having heard learned Counsel for the parties, the Court is of the view that the Banking Ombudsman ought not to have entertained the complaint of Respondent No. 2 and should have asked Respondent No. 2 to seek all remedies in relation to the loan before the DRAT.

4. In that view of the matter, the impugned orders dated 13th March, 2020,

27th February, 2020 and 3rd February, 2020 passed by the Banking Ombudsman are hereby set aside. It is made clear that it will be open to the Respondent No. 2 to approach the DRAT with an appropriate application as regards seeking details of the loan which is the subject matter of the appeal before the DRAT.

5. The writ petition is disposed of in the above terms.

(S.MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

23rd September, 2020
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No