

OD 10

WPO 163 of 2020

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MANITA TULSYAN
VERSUS
RESERVE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 12th July, 2021.

APPEARANCE:

Mr. Aparajita Rao,Adv.
Mr. Sanwal Tibrewal,Adv.
Ms. Sutapa Mitra,Adv.

Mr. Victor Chatterjee,Adv.
Mr. Arunabha Sarkar,Adv.
Mr. Partha Banerjee,Adv.

The Court:-Affidavit-in-opposition and affidavit-in-reply filed in Court today are kept on record.

Petitioner is aggrieved by an alleged unilateral act of the HDFC Bank in adjusting two fixed deposit accounts towards outstanding dues of one Scope Vincom Industries Private Limited. The petitioner had raised a dispute before the

Banking Ombudsman for intervention and the Ombudsman has not heard him in course of proceeding.

Affidavit-in-opposition has been filed by the Ombudsman who has stated that the matter was heard and disposed of after considering the submissions of the bank. Counsel for the petitioner submits that he was entitled to be heard before the Ombudsman. This Court finds that the proceedings before the Ombudsman under the RBI Act are more conciliatory and mediatory in nature and no serious prejudice has been caused to the petitioner in the facts.

It is also submitted that the adjustment was effected by the HDFC Bank in course of proceedings against their principal debtor in ID 564/KB/2017 against one Scope Vincom Industries Pvt. Ltd. in course of proceedings before the NCLT, Kolkata.

Since proceedings before Ombudsman which are principal subject matter of the instant writ application have been concluded, the petitioner may approach the NCLT or other authority under the provisions of the IBC 2017 as regards his grievance against the HDFC Bank in having adjusted the fixed deposit without authority.

The writ petition is disposed of.

(RAJASEKHAR MANTHA, J.)