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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

REVIEW PETITION NO.77/2018
IN
WRIT PETITION NO. 2467/2016

Abha Dastane Rao & Anr. Petitioners

Vs.

Union of India & Ors. Respondents

Mr. Hemant P. Ghadigaonkar for the Petitioner in Review
Petition
Smt. S. V. Bharucha a/w. Mr. Ashok Verma for Respondent
No.1.
Mr. Pramod J. Pawar for Respondent No.5 Bank of
Maharashtra
Mrs. Abha Dastane Rao - Petitioner in person
Mr. Pramod Shenoy, Aditi Phatak, P. Zariwalla I/b. Udwadia
& Co. for Respondent Nos.2 to 4 RBI

**CORAM: K.K.TATED &
BHARATI DANGRE, JJ.**

**DATED : AUGUST 26, 2021
(In Chamber at 2.15)**

P.C.

1 Heard. By this Review Petition, the Petitioners are seeking to recall order dated 07.07.2017 passed by this court (Naresh H.Patil [as he then was] and Smt. Bharati H. Dangre, JJ) in the above Writ Petition.

2 The learned counsel for the Petitioners submits that in the present proceedings, initially, they had filed the above

Writ Petition challenging several communications issued by the Respondents. In support of this contention, he relies on prayer clauses of the Writ Petition which read thus:

“a) That by way of appropriate writ and order this Hon’ble Court, letters/e-mails dated 07.06.2013 and 15.06.2013 (Exhibit- J hereto) from; letter/e-mail dated 11.10.2013 (Exhibit- P hereto) and also further communication dated 22.05.2015 Exhibit- S hereto) and 06.10.2015 (Exhibit- FF hereto), be quashed and set aside.

b) That by way of appropriate writ and order and declaration of this Hon’ble Court the Respondent No.2, 3 and 4 be directed to take appropriate action / decision and pass detailed and Reasoned Orders within a short specified period of time, on the complaints made by the Petitioner No. 1 against the Respondent No. 5.

c) That by way of appropriate writ and order this Hon’ble Court may direct the Respondent No. 2, 3 and 4 to take the appropriate actions against the Respondent No. 5 within a short specified period of time, as per the provision of law and on the basis of the complaint file by the petitioner with the Respondent No. 2, 3 and 4.

d) That by way of appropriate writ and order this Hon’ble Court, the Respondent No. 2 to 4 be directed to issue appropriate direction against the Respondent No. 5 to recall all the monies (along with the interest there on at the rate of 12%) forthwith, which was illegally disbursed by them.

e) That by way of appropriate writ and order this Hon’ble Court, the Respondent No. 2 to 4 be directed to issue appropriate direction forthwith against the Respondent No. 5 to give details of account to the Petitioners from which amount of the estate of the deceased are distributed.

f) That by way of appropriate writ and order this Hon'ble Court, the Respondent No. 2 to 4 be directed to issue appropriate direction against the Respondent No. 5 to audit entire Accounts of the estate of the deceased within a short specified period of time and provide a report to the Petitioners.

g) That pending the hearing and the final disposal of the present writ petition this Hon'ble Court may please direct the Respondent No. 2, 3 and 4 to take the appropriate actions against Respondent No. 5 as per the provision of law and on the basis of the complaint file by the petitioner with the Respondent No. 2 to 4.

h) Ad-interim reliefs in terms of prayer clause (d) be granted;

i) Any other reliefs as this Hon'ble Court deem fit and proper may be granted in the facts and circumstances of the case."

3 The learned counsel for the Petitioners submits that as some of the points remained to be considered by this court, they filed the Review Petition.

4 When this court declined to entertain the Review Petition on merits, the learned counsel for the Petitioners seeks permission to withdraw the Review Petition as well as the Writ Petition with liberty to file appropriate proceedings before the Reserve Bank of India. To that effect, he has given in writing. Same is duly signed by the Petitioner Mrs.Abha Dastane - Rao. Same is taken on record and marked "X" for identification. The same read thus:

**“IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

**REVIEW APPLICATION NO. 77 OF 2018
IN
WRIT PETITION NO 2467 OF 2016**

Mrs. Abha Dastane – Rao & Others	]...Petitioners
V/s.	
The Union of India	]
Through the Ministry of Finance	]
New Delhi & Others	]...Respondents

I, Abha Dastane-Rao, Petitioner No.1, aged 60 years having address at 248 Travis Trail, McMinnville, TN 37110, USA, today in Mumbai do hereby say that

1. The Petitioners be permitted to withdraw the present petition which they had filed due to the finality of the communication from the office of the Executive Director of the Reserve Bank of India, filed at Pg 177 of WP 2467 of 2016, on the basis of the following:

- 1. On the basis of the affidavit-in-reply filed by Respondents no. 2-4 in the Review Petition (Page 143 para 9) the RBI has indicated that she could still be at liberty to file an appeal before the Deputy Governor at the Reserve Bank of India against the order /decision of the Ombudsman as per the Ombudsman scheme.*
- 2. That the appeal before the Deputy Governor of the RBI would be adjudicated with all the contentions of all the parties kept open. The Appeal shall not be rejected/dismissed now on the grounds of limitation as the Writ Petition 2467/2016 and the Review Petition 77/2017 had been pending before this hon'ble Court since 2016 /2017.*

3. *The appeal shall be filed by the Petitioner within a period of two weeks from today.*

Abha Dastane-Rao

Petitioner no. 1

This __26th__ day of August, 2021”

5. Considering the submissions made by the learned counsel for the Petitioner and the writing dated 26.08.2021, following order is passed:

a. The Petitioner is permitted to withdraw the Review Petition No.77/2018 and Writ Petition No.2467/2016.

b. The Petitioners are permitted to file appropriate appeal before the Dy. Governor of Reserve Bank of India within 2 weeks from today.

c If the appeal is filed within time, as per clause 5(b), the Authority to decide the same on merits, as early as possible, after hearing all the parties, if it is provided.

d All contentions of the parties are kept open.

e No order as to costs.

(BHARATI DANGRE, J.)

(K.K.TATED, J.)