

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9449 of 2022**

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Anand Prakash S/o Late Ramavatar Prasad Shroff Resident of Flat No. 202,  
Hari Bhawan, Roti Restaurant Lane, Near A.N. College, Boring Road, Patna-  
13, sole proprietor of Hamara Industries.

... .. Petitioner/s

Versus

1. Bank of India through its Zonal Manager, 1st Floor, Chanakya Place,  
Birchand Patel Marg, Patna, Bihar- 800001.
2. The Zonal Manager Bank of India, 1st Floor, Chanakya Place, Birchand  
Patel Marg, Patna, Bihar-800001.
3. The Senior Branch Manager Bank of India, Patna C and P Branch, Raghbir  
Place, Boring Road, Patna, Bihar-800001.
4. The Manager (Credit) Bank of India, Patna C and P Branch, Raghbir Place,  
Boring Road, Patna, Bihar- 800001.
5. The Banking Ombudsman (Bihar) C/o Reserve Bank of India, Adharshila  
Complex, South Gandhi Maidan, Patna, Bihar- 800001.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Nikhil Kumar Agrawal, Advocate<br>Ms. Aditi Hansaria, Advocate                   |
| For the Respondent/s | : | Mr. Amit Prakash, Advocate<br>Mr. Rakesh Kumar, Advocate<br>Mr. Raj Nandan, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 04-08-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i) To issue an appropriate writ/order/direction in the nature of  
*Certiorari* quashing the order dated 06.06.2022 (**Anx-23**) passed by  
Respondent No. 5, i.e., the Banking Ombudsman (Bihar), whereby  
the complaint of the Petitioner has been closed under Clause



14(9)(a)/(b) of the Reserve Bank – Integrated Ombudsman Scheme, 2021, without properly appreciating the facts and without granting any opportunity of hearing to the Petitioner thereby violating the Principles of Natural Justice;

- ii) To issue an appropriate writ/order/direction in the nature of *Mandamus* directing the Respondent No. 5 to examine the documents pertaining to the complaint filed by the Petitioner, and further dispose of the matter on its merits with a reasoned and speaking order after granting an opportunity of hearing to the Petitioner;
- iii) To any other relief or reliefs for which the Petitioner is found entitled to in the facts and circumstances of the case.

Shri Amit Prakash, learned counsel for the respondent fairly states that the action of the respondent is defenceless.

Having heard learned counsel for the parties, we dispose of the present petition in the following terms:-

(a) We quash and set aside the order dated 06.06.2022 passed by Respondent No. 5, namely, the Banking Ombudsman (Bihar) (Annexure-23), for no opportunity of hearing at all, much less adequate, was afforded to the petitioner, despite directions issued by this Court;

(b) We direct Respondent No. 5, namely, the Banking Ombudsman (Bihar), c/o Reserve Bank of India, Adharshila Complex, South Gandhi Maidan, Patna, Bihar to issue notice;



afford opportunity of hearing; permit the petitioner to place additional materials on record;

(c) Respondent No. 5 shall pass an order assigning reasons also accounting for the sanction note dated 18.02.2017 that of the respondent Bank (Annexure-5 Page No. 25);

(d) The said authority shall pass a reasoned and speaking order preferably within a period of four months from the date of production of a copy of this order;

(e) The order assigning reasons shall be communicated to the petitioner;

(f) Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Also, liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

Amrendra/PKP

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