IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3631 of 2021

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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, Raghubir Place, Boring Road, Patna, Bihar-800001.
4. The Manager (Credit), Bank of India, Patna C and P Branch, Raghubir 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 :

For the Petitioner/s	:	Mr. Nikhil Kr. Agrawal, Advocate Ms. Aditi Hansaria, Advocate
For the Respondent/s	:	Mr. Raj Nandan Prasad, Advocate Mr. Uma Shankar Kumar, Advocate Mr. Amit Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

8 29-03-2022 The petitioner in the present writ application has put to challenge an order dated 20.05.2019, passed by the Banking Ombudsman (Bihar), whereby his complain under Clause 13(a) of the Banking Ombudsman Scheme, 2006 has been rejected.

2. It is the petitioner's case that his complain has been rejected by the Banking Ombudsman in violation of the principles of natural justice.

3. A counter affidavit has been filed on behalf of Bank of India in which following statement has been made in paragraph-11 :-

> *"That the petitioner being dissatisfied by the calculation of the bank submitted its own calculation to the bank. He approached the learned Ombudsman. The bank supplied the calculation details to the learned Ombudsman who after being satisfied by the calculation and also relied on the circular of the R.B.I. finally passed the order."*

4. It is evident from the impugned order of the Banking Ombudsman and the statement made in paragraph-11 of the counter affidavit that the petitioner's complain was rejected after considering the calculation supplied by the Bank to the Ombudsman.

5. It has been urged on behalf of the petitioner that the said calculation supplied by the Bank to the Ombudsman, which was the basis for the Ombudsman to reject the petitioner's complain, was never supplied to him.

6. In order to ascertain as to whether the calculation details, as supplied by the Bank to the Ombudsman, was furnished to the petitioner or not before the petitioner's complain was rejected, this Court had directed production of the original

records of the concerned proceedings before the Ombudsman.

7. Mr. Amit Prakash, learned counsel representing the Banking Ombudsman has produced before us the original records, which we have carefully perused. On perusal of the original records, we are satisfied that the said calculation, as mentioned in paragraph-11 of the counter affidavit as also in the order of the Banking Ombudsman, was not supplied to the petitioner.

8. On this limited ground, in our opinion, the impugned order dated 20.05.2019, passed by the Banking Ombudsman requires interference by this Court. The said order dated 20.05.2019 is accordingly set aside with a direction to the Banking Ombudsman to pass an order afresh in accordance with law after giving the petitioner an opportunity to examine the calculation which was supplied by the Bank to the Ombudsman.

9. This application is allowed with the aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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