

04.01.2022.
Court No.13
Item No. 12
ap

**W.P.A. No. 11217 of 2021
(Through Video Conference)**

**Kausik Sinha
Versus
The Banking Ombudsman,
Reserve Bank of India & Ors.**

Mr. Rudraksha Chattopadhyay,
Mrs. Malabika Saha,
Mr. Nazrul Haue Mondal.

...For the petitioner.

Ms. Sarbani Datta.

...For the respondent nos.2 & 3.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by an order
dated 29th April, 2020 passed by the Banking
Ombudsman under the Banking Ombudsman
Scheme, 2006.

The writ petitioner complains that a sum of
Rs.79,996/- has been illegally deducted from his
Credit Card on 29th April, 2020, between 4:16 P.M.
and 4:28 P.M.

The HDFC Bank is represented.

It appears from the order of the Ombudsman
dated 27th July, 2020 that the complaint of the
petitioner has been rejected and closed. The
ombudsman has also found that there is no deficiency
on the part of the Bank in the service rendered. It is
also found that the transaction was conducted by
issuance of One Time Password i.e. extremely personal

to the petitioner. If the One Time Password was not shared, the transaction would not have occurred in the first place.

The request for I.P. address, to which the money had moved out of the petitioner's account, can be given only to an Investigating Authority or Court and other forum having powers of a Civil Court. The petitioner has already initiated a complaint before the concerned Police Station under the provisions of the Indian Penal Code and Code of Criminal Procedure which is under investigation.

This Court does not find any infirmity in the procedure followed by the Banking Ombudsman.

However, since the rejection of a claim of a consumer by the Ombudsman is not a final adjudication, the petitioner may approach an appropriate forum civil or statutory, to seek redressal of his grievances against the HDFC Bank. If such Court or forum is approached it shall proceed to adjudicate the complaint uninfluenced by any observation made by the Ombudsman or this Court.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)