



WEB COPY



W.P.No.26703 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26703 of 2022

M/s.City Lubricants Private Limited
Represented by its Director
Mr.Cherukuri Vijay Mohan
No.14, Thiruneermalai Road
Chrompet, Chennai - 600 044.

.. Petitioner

VS

1. The Ombudsman
Chennai Centre
C/o. Reserve Bank of India
Fort Glacis, Chennai - 600 001.

2. M/s. Aditya Birla Finance Limited
[A subsidiary of M/s.Aditya Birla Capital Limited]
18th Floor, Tower One, Once Indiabulls Centre
Jupiter Mills Compound, Senapati Bapat Marg
Lower Parel, Mumbai, Maharashtra - 400 013.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to adjudicate and pass appropriate order in the complaint dated 16.08.2022 filed by the petitioner company within a stipulated time as prescribed by this Hon'ble Court.



WEB COPY



W.P.No.26703 of 2022

For Petitioner : Mr.T.Mohan
for Mr.S.R.Sankareshwaran

For Respondents : No Appearance

ORDER

The prayer sought for herein is a writ of Mandamus directing the first respondent to adjudicate and pass appropriate order in the complaint dated 16.08.2022 filed by the petitioner Company within a stipulated time as prescribed by this Hon'ble Court.

2. That the petitioner seems to have obtained some loan from the second respondent and in this regard, with regard to the prepayment penalty, there has been a dispute between the petitioner and the second respondent Bank and in order to settle the same, a complaint has been registered by the petitioner before the first respondent under clause 11(2) of the Scheme, under which, the first respondent has to consider the complaint and to dispose the same after hearing both sides.

3. The said complaint, even though was given on 16.08.2022 and was registered on 24.08.2022 by the first respondent, so far, no order has been passed and no summons has been issued by the first respondent, even to the petitioner to



W.P.No.26703 of 2022

note that the first respondent is taking up the complaint and has to decide the same, for which, notice has been issued. Therefore, to seek for a writ of mandamus, to give direction to the first respondent to decide the said complaint of the petitioner at the earliest on merits, he has approached this Court by filing the present writ petition.

4. Heard Mr.T.Mohan, learned counsel appearing on behalf of Mr.S.R.Sankareshwaran, learned counsel for the petitioner, who has reiterated the aforesaid and seeks indulgence of this Court.

5. Even though notice has been served on the respondents, especially the first respondent and the name and full address of the respondents also have been shown in the cause list, when the case is called today, there is no representation on behalf of the respondents, especially for the first respondent.

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:



W.P.No.26703 of 2022

WEB COPY

That there shall be a direction to the first respondent to consider the complaint given by the petitioner dated 16.08.2022 and registered on 24.08.2022 on the file of the first respondent and decide the same on merits and in accordance with law after giving opportunity of hearing to both the petitioner as well as the second respondent within a period of six weeks from the date of receipt of a copy of this order.

7. With these directions, this writ petition is disposed of. There shall be no order as to costs.

08.11.2022

Index: Yes/No

drm/sp

Note: Issue order copy on 15.11.2022.

To

The Ombudsman
Chennai Centre
C/o. Reserve Bank of India
Fort Glacis, Chennai - 600 001.



WEB COPY



W.P.No.26703 of 2022

R. SURESH KUMAR, J.

(drm)

W.P.No.26703 of 2022

08.11.2022