



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28257 of 2021

A. Zakir Hussain

.....Petitioner

vs.

1. The Ombudsman,
C/o.Reserve Bank of India,
Fort Glacis, Chennai-600001.

2. The Manager,
American Express Banking Corp,
Regus Citi Centre, 6th Floor,
City Centre Mall,
Dr.Radhakrishnan Salai,
Chennai-60004.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to take action against the 2nd Respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith petitioner complaint dated 20.11.2021.

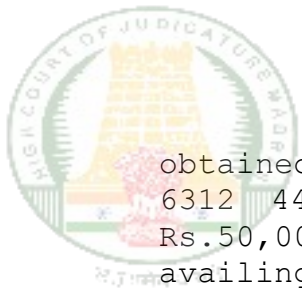
For Petitioner : Mr. M. Govindarajan

ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the 1st respondent to take action against the 2nd respondent for pursuant to the petitioner's complaint dated 20.11.2021.

2. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The case of the petitioner is that the petitioner at the instance of the representative of the 2nd Respondent bank, had



obtained the credit cards bearing Nos.3722 9236 4611 001 & 3798 6312 4412 002 from the 2nd respondent bank for a limit of Rs.50,000/- and Rs.1,80,000/- respectively. At the time of availing credit Cards, the 2nd Respondent bank officials have obtained the petitioner's signature in various blank documents without explaining the contents of the documents, even the rate of interest was not specified in the documents, however, oral assurance was given by the 2nd respondent bank officials that no interest will be collected for the loan availed. Thereafter, the petitioner repaid the amount borrowed to the 2nd respondent towards the loan availed. Due to COVID pandemic, the petitioner faced heavy financial crisis due to which he was unable to repay the Credit Card amount. Now, the 2nd respondent bank insisting the petitioner to settle the arrears to the tune of Rs.2,48,191/- towards the interest for the Credit Card amount. Therefore, the petitioner made a complaint to the 1st respondent/Ombudsman on 20.11.2021 for taking action on the 2nd respondent bank. However, no action has been taken on the same. Hence, the present Writ Petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the 1st respondent to take appropriate action against the 2nd respondent pursuant to the petitioner's complaint dated 20.11.2021 within the time frame fixed by this Court.

5. In view of the aforesaid submission, this Court without expressing any opinion on the merits of the case directs the 2nd Respondent to recover the loan amount from the petitioner in terms of the RBI guidelines. However, the liberty is granted to the petitioner to work out his remedy before the competent forum in accordance with law if the 2nd respondent breaches the guidelines issued by the RBI in collecting the loan amount from the petitioner.

6. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

NHS



To

1. The Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Chennai-600001.

2. The Manager,
America Express Banking Corp,
Regus Citi Centre, 6th Floor,
City Centre Mall,
Dr. Radhakrishnan Salai,
Chennai-60004.

W.P.No.28257 of 2021

VG II (CO)
CB(21/01/2022)