



W.P(MD)No.11089 of 2011

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.11089 of 2011

and

M.P(MD)No.1 of 2012

AAPL Infra Private Ltd.,
Corporate Office,
“The Lord's Garden”,
1-12, Vilachery Main Road,
Vilachery, Madurai-625 006.
(Formerly known as
M/s.Alphazone Advertisers Pvt.Ltd.,)

... Petitioner

Vs.

1.The Union Bank of India,
Madurai Main Branch,
Post Box No.51,
Rosary Building,
Town Hall Road,
Madurai-1,
Through its Chief Manager.

2.The Regional Office,
Union Bank of India,
No.72, P.T.Rajan Road,
Bibi Kulam, Maudrai-2.



W.P(MD)No.11089 of 2011

WEB COPY

3. Office of the Banking Ombudsman,
RBI Building, II Floor,
Fort Glacis, PB.No.40,
No.16, Rajaji Salai,
Chennai-600 001.

4. The Appellate Authority for
Banking Ombudsman,
Customer Service Department,
Reserve Bank of India,
Central Bank of India,
Central Office, 1st Floor,
Amar Building, Mumbai-400 001,
Maharashtra State.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Ref.ADV/Alphazone/190 dated 25.11.2010 as confirmed by the 3rd respondent in Ref.BO (Chn)/11096/C-5901/2010-11 dated 11.04.2011 and consequently direct the 4th respondent herein, in Ref.CSD/BOS/50/13.23.13/2011-12 dated 05.07.2011 and quash the same and consequently direct the respondents 1 and 2 herein to refund the sum of Rs.6,99,035.92 deducted by the respondents 1 and 2 herein towards penal charge with interest payable thereon.

For Petitioner	: Mr.S.Srinivasa Raghavan
For R1 & R2	: Mr.T.Govindasamy
For R3	: Mr.K.Ramamoorthy



W.P(MD)No.11089 of 2011

ORDER

WEB COPY

The present writ petition has been filed challenging an order of the 4th respondent, confirming the order of the 3rd respondent and that of the 1st respondent rejecting the claim of the petitioner.

2. At the outset, the claim of the writ petitioner is pursuant to a contractual obligation, which could not be decided in this proceedings under Article 226 of the Constitution of India. The claim of the petitioner was rejected by the 1st respondent on 25.11.2010, rejecting his request in respect of penal interest charged by it. The same was challenged by the petitioner before the Banking Ombudsman, namely the 3rd respondent herein, which had found that there is no grounds made out in the complaint as referred in clause 8 of the said scheme. Against which, the petitioner had also been approached the 4th respondent, which had rejected on the ground that the appeal is not maintainable as per clause 13 (a) of the scheme. However, the liberty was given to the petitioner to approach any other grievance redressal authority in accordance with law and the petitioner has chosen to file this writ petition.



W.P(MD)No.11089 of 2011

WEB COPY

3. As stated supra, this Court cannot delve into a dispute that arises out of a contractual obligation between the petitioner and the Bank. Hence, this Writ Petition is dismissed as not maintainable. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2022

Index : Yes / No
Internet : Yes / No

gbg



WEB COPY



W.P(MD)No.11089 of 2011

K.KUMARESH BABU,J.

gbg

Order made in
W.P(MD)No.11089 of 2011

Dated:
15.12.2022