

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2222 of 2022

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M/s SCI India Limited D.N. Singh Road, Bhagalpur through its Manager Sri Pramod Kumar Tiwary, Son of Late Hridayanand Tiwary, Resident of Road No. 15E, P.S. - Rajeev Nagar, Town and District - Patna.

... .. Petitioner/s

Versus

1. The Bank of Baroda Banking Company constituted under the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970 having its head office at Mandvi, Baroda through its Managing Director.
2. The Bank of Baroda, Main Branch, Fraser Road, Patna.
3. The Assistant General Manager, Bank of Baroda, Main Branch, Fraser Road, Patna.
4. The Banking Ombudsman, Reserve Bank of India, South Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Advocate

Mr. Vikas Kumar, Advocate

For the Respondent No.1 to 3 : Mr. Vivek Prasad, Advocate

For the Respondent No.4 : Mr. Amit Prakash, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 03-01-2023 Petitioner has prayed for the following relief(s):

“a. For quashing of order dated 2nd December, 2021 passed by the Banking Ombudsman, Reserve Bank of India in Complaint No. 202122012011634 by which whereby and where under it was observed that bank was follows extent banking norms and there is no deficiency observed on part of bank, accordingly the complaint is being closed U/c 13(1) (a) of BOS, 2006 as it is not on ground of Clause-8 BOS, 2006.

b. For direction to respondent Bank of India



hereinafter to be referred as "Bank" to charge interest at base rate from 01.04.2016 till date of liquidation of loan due to prohibition law imposed by the State Government.

c. For direction to respondent Bank to refund excess of Interest including penal interest paid by petitioner in the light of extraordinary circumstances mentioned in the writ application.

d. For direction to refund a sum of Rs. 8,72,100/- with interest which has been charged by the Bank on account of Bank Guarantee.

e. For any other relief/reliefs to which the petitioner is found entitled to.”

Having heard learned counsel for the parties, we dispose of the present petition on the following mutually and agreeable terms:

(a) For the reason that petitioner was never shown caused nor heard prior to the passing of the impugned order dated 02.12.2021 (Annexure-1) passed by the Banking Ombudsman, Reserve Bank of India in Complaint No. 202122012011634, the same is quashed and set aside;

(b) Petitioner shall make himself available in the office of respondent No.4, namely the Banking Ombudsman, Reserve Bank of India, South Gandhi Maidan, Patna on 16.01.2023 at 10.30 a.m. on which date opportunity shall be afforded to the petitioner to place on record material in support



of his case;

(c) Parties shall fully cooperate in the proceedings;

(d) The said respondents shall pass a reasoned and speaking order in accordance with law preferably within a period of two months thereafter;

(e) Liberty reserved to the parties to agitate the issue, should the need so arise subsequently.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/P.K.P.

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