

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3508 of 2020

[Ramsons Industries Ltd., Nagpur through Shri R. R. Sarda and ors. ..vs.. The Banking Ombudsman,
Byculla, Mumbai and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. Anilkumar, Advocate for the petitioners
Mr. A. T. Purohit, Advocate for respondent 3

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, JJ.**

DATED : 4-7-2023

We are not inclined to interfere in writ jurisdiction.

2. The issue involved is whether the petitioners are entitled to refund of the bank guarantee commission for the unexpired period.

3. The petitioners are relying on circular dated 10-4-2019. The relevant portion of the circular reads thus :-

“With view to increase guarantee business specially in case of consortium / multiple banking arrangement and in selective and highly deserving cases, the commission for unexpired period (for remaining full quarter only) may be refunded. The period less than a quarter be ignored. The minimum commission for a period of one quarter will continue to be

charged. Such relaxations / refund of guarantee fee may be considered by the respective sanctioning authority up to sanctions of ZOCAC. In case of HO sanctions, relaxation / refund of guarantee fee may be considered by HOCAC-I.”

4. We are not inclined to substitute the business perspective of the bank by our view, particularly since there is no adequate material on record to look into the grievance of the petitioners that no reasons are given and in any event, the benefit of the discretionary power is denied unjustly.

5. At this stage, the learned counsel for the petitioners seeks leave to withdraw the petition with liberty to approach the civil court.

6. With liberty as prayed, the petition is disposed of as withdrawn.

(M. W. Chandwani, J.)

(Rohit B. Deo, J.)

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