



W.P.No.9012 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9012 of 2023

and

W.M.P.Nos.9134 & 9135 of 2023

M.Silvarius Mary

... Petitioner

Vs

1. The Ombudsman,  
Centralised Receipt and Processing Centre (CRPC),  
C/o Reserve Bank of India,  
Banking Office, Fort Glacis,  
RajajiSalai, Chennai-600 001.

2. The Zonal Officer,  
Indian Overseas Bank, Zonal Office,  
763, AnnaSalai, Chennai-2.

3. The Branch Manager,  
Indian Overseas Bank,  
East Madastreet Branch,  
Mylapore, Chennai-04.

... Respondents



W.P.No.9012 of 2023

WEB COPY

**PRAYER**: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other Writ or Order or Direction in the nature of Writ calling for the records relating to the order RBI/CMS/N202223006008525/2022-23 dated 05.12.2022 passed by the first respondent herein and quash the same and consequently direct respondents 2<sup>nd</sup> and 3<sup>rd</sup> to return over paid Rs.1,90,019 ( Rs.1,43,613 along with interest amount Rs.46,406) by restructuring the petitioner's Account No.108301000008756 in the third respondent Bank according to Reserve Bank-Integrated Ombudsman Scheme-2021.

For Petitioner                      ... M/s.L.Arockia Selvaraj

### **ORDER**

This Writ Petition has been filed seeking to quash the impugned order dated 05.12.2022 which was passed by the 1<sup>st</sup> respondent and for a consequential direction to respondents 2 & 3 to return the overpaid amount towards the housing loan availed by the petitioner by re-structuring his account according to Reserve Bank-Integrated Ombudsman Scheme-2021.



W.P.No.9012 of 2023

2. The petitioner having entered into a loan agreement dated 11.05.2005 with the Indian Overseas Bank, has availed the housing loan to the tune of Rs.7,00,000/- and he has repaid the said loan amount along with exorbitant rate of interest. Hence, the petitioner made a representation dated 20.06.2022 to the 3<sup>rd</sup> respondent requesting to re-credit the amount to the petitioner's account which was paid by the petitioner towards the excess amount of interest. Since, the same was not considered, the petitioner again made a representation to the 3<sup>rd</sup> respondent on 23.11.2022 requesting to re-credit the excess amount of interest paid by the petitioner, since the same was not considered, the petitioner has raised the complaint before the 1<sup>st</sup> respondent pursuant to which, the impugned order dated 05.12.2022 came to be passed by the 1<sup>st</sup> respondent by closing the petitioner's complaint under clause 14(9)((a)(b))-facilitation of the Reserve Bank Integrated Bank-Integrated Ombudsman Scheme, 2021". Challenging the same, this Writ Petition has been filed.



W.P.No.9012 of 2023

3. Learned counsel of the petitioner submits that the grievance of the petitioner is that the respondent bank has imposed the exorbitant rate of interest towards the housing loan and the petitioner has also paid the loan amount along with excess rate of interest. Despite many requests, the petitioner's request with regard to re-credit of the excess amount of interest has been rejected vide the impugned order dated 05.12.2022. Hence, the said order needs interference of this Court.

4. A perusal of the materials available on record reveals that though the petitioner claims that he has paid the excess rate of interest towards the housing loan which was availed by him, however, no proof has been placed before this Court in order to substantiate his claim. In the absence of any material relating to payment of the excess amount of interest, the issue involved in this Writ Petition cannot be resolved either by this Court or the 1<sup>st</sup> respondent, however, the proper course open for the petitioner is to approach the competent civil court. In such view of the matter, the prayer sought for in this Writ Petition cannot acceded to.



W.P.No.9012 of 2023

5. For the reasons aforesaid, this Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**23.03.2023**

Index:Yes/No

Internet:Yes

NHS



WEB COPY



W.P.No.9012 of 2023

M.DHANDAPANI, J.

NHS

To

1. The Ombudsman,  
Centralised Receipt and Processing Centre (CRPC),  
C/o Reserve Bank of India,  
Banking Office, Fort Glacis,  
RajajiSalai, Chennai-600 001.
2. The Zonal Officer,  
Indian Overseas Bank, Zonal Office,  
763, AnnaSalai, Chennai-2.
3. The Branch Manager,  
Indian Overseas Bank,  
East Madastreet Branch,  
Mylapore, Chennai-04.

W.P.No.9012 of 2023

23.03.2023