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W.P.No.22571 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22571 of 2022

And

W.M.P.Nos.21595 and 21597 of 2022 and 15999 of 2023

M/s.Duverra Products Pvt. Ltd.,
Rep. by its Director,
Mr.A.R.M.Gopinath

... Petitioner

Vs.

1.The Banking Ombudsman
Reserve Bank of India,
Fort Glacis,
Rajaji Salai,
Chennai – 600 001.

2.State Bank of India,
Arumbakkam Branch,
#65, Razak Garden Road,
Arumbakkam,
Chennai – 600 106.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order in RBI/CMS/N202122006027402/2021-22 dated 11.05.2022 on the file of the first respondent and to quash the same and consequently direct the first respondent to consider the complaint of the petitioner company registered on 07.03.2022 in complaint



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No.N202122006027402 as against the second respondent Bank.

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For Petitioner : Mr.R.Moneshaa
For Respondents : Mr.C.Mohan for R1 and R2
for M/s.King and Partridge

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order in RBI/CMS/N202122006027402/2021-22 dated 11.05.2022 on the file of the first respondent and to quash the same and consequently direct the first respondent to consider the complaint of the petitioner company registered on 07.03.2022 in complaint No.N202122006027402 as against the second respondent Bank.

2.The learned counsel appearing for the petitioner submitted that the petitioner maintained account with the second respondent Bank. The petitioner's Accountant mis-used her power and forged the Director's signature and issued cheques in favour of her husband and another beneficiary. The second respondent without verifying the genuineness of the cheques, honoured the cheques. Aggrieved by the same, the petitioner made complaint before the law enforcing agency and a case in Crime No.1345 of 2020 for the offence under Sections 120B, 406, 420, 465, 468 and 471 of IPC was registered on 2/5



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29.12.2020.

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3.The learned counsel appearing for the petitioner further submitted that the petitioner also made complaint as against the second respondent before the first respondent for the deficiency of service, however, the first respondent vide impugned order rejected the petitioner's complaint on the ground that already a criminal case has been registered by the law enforcing agency by referring Clause 16(1)(a) read with 10(1)(e) of the Reserve Bank Integrated Ombudsman Scheme, 2021. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the first respondent submitted that since the issue is pending before the law enforcing agency, Ombudsman is incompetent to entertain the complaint made by the petitioner. He further submitted that the petitioner is not remedy less, the petitioner is entitled to file civil suit as against the Bank and the wrong doers.

5.In reply, the learned counsel appearing for the petitioner submitted that this Court may grant liberty to the petitioner to file civil



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suit before appropriate Court as against the second respondent for the
for the deficiency of service.

6.In view of the above, this writ petition is dismissed with liberty to the petitioner to file civil suit before appropriate Court as against the second respondent and other wrong doers. If any such suit is filed by the petitioner, the concerned Court shall decide the issue on its own merits, without referring to the order impugned in this writ petition and all the issues are kept over. No costs. Consequently, the connected miscellaneous petitions are closed.

19.06.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

- 1.The Banking Ombudsman
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Fort Glacis,
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