IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 **CWP-6520-2019**

Date of Decision:02.02.2023

Jawahar Lal Aggarwal and another .....Petitioners

Versus

State Bank of India and others .....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. D.S. Malwai, Advocate,
for the petitioners.

Ms. Madhu Dayal, Advocate,
for the respondents.

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VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ in the nature of mandamus directing the respondents to refund the amount illegally deducted from the account of petitioner No.1 on deposit of soiled/mutilated notes amounting to ₹200 i.e. 02 packets of one rupee notes, each packet containing 100 notes of one rupee.

Learned counsel appearing on behalf of the petitioners contends that petitioner No.1 had approached the bank on 07.06.2017 and deposited soiled/mutilated notes amounting to ₹200/- i.e. 2 packets of one rupee notes, each packet containing 100 notes of one rupee and the respondent-bank debited an amount of ₹460/- from the account of petitioner No.1 bearing No.10670242090. He submits that the aforesaid deduction was without any authority and there is no rationality behind levy of such debit against a deposit of ₹200/-.

On a pointed query raised to the learned counsel appearing on behalf of the respondent-bank, it has been pointed out that the guidelines issued by the Reserve Bank of India vide Master Circular No.DBR No.Leg.BC.21/09.07.006/2015-16 dated 02.07.2018 as updated on 14.01.2019 for facilitating exchange of Notes and Coins clearly stipulate in Clause 6.1.2 that when the Notes are presented in bulk i.e. when the number of Notes presented by a person exceeds 20 pieces or ₹5000 in value per day, Bank may accept them against a receipt for value to be credited later and may levy service charges as permitted in the Master Circular on Customer Service in Banks (DBR No.Leg BC./21/09.07.006/2015-16 dated 01.07.2015). She also refers to the Clause 6.3 of the aforesaid Master Circular facility for exchange of Notes and Coins dated July 02, 2018 to point out that in the event of any grievance against the services provided by the bank, an alternative remedy of the Forum of Banking Ombudsman has been prescribed under the Banking Ombudsman Scheme, 2006.

In view of the aforesaid specific clause, the levy of the charge may not be in violation of any statutory provisions. However, in case the levy is not in accordance with the Circular so issued, the same would merely amount to a deficiency in service. The petitioners have the remedy to take recourse to file an appropriate petition before the Banking Ombudsman.

Counsel for the petitioners could not refer to any provision to the contrary or refer to any law as per which levy of service charge was impermissible. Hence, there is no material or document before this Court on the strength whereof it may be held that levy collected by the respondent-

Bank was not authorized.

Faced with the above, learned counsel appearing on behalf of the petitioners seeks withdrawal of the present petition with liberty to take recourse to the alternative remedy(ies) as are available to the petitioners in accordance with law.

Disposed of as withdrawn with liberty, as aforesaid.

February 02, 2023 **(VINOD S. BHARDWAJ)**
seema **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No