

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.842 of 2017

=====

Vishal Kishan Seva Kendra through its proprietor Geeta Devi wife of
Narendra Singh, resident of village - Purnahiya, Police Station - Ghorasahan,
District - East Champaran.

... .. Petitioner/s

Versus

1. The Chairman, Central Bank Of India, Corporate Office, Chandermukhi,
Nariman Point, Mumbai-400021
2. The Zonal Manager, Central Bank of India, Zonal Office, New Dakbunglow
Road, Patna.
3. The Branch Manager, Central Bank of India, Brain Branch Motihari, District
- East Champaran.
4. The Branch Manager, Central Bank of India, Branch Ghorahasan.
5. The Branch Manager, Central Bank of India, Ghorhwa Branch, Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Respondent/s : None

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 19-11-2024

1. The Writ petition is filed directing the respondents not to punish the petitioner without any fault and further, to direct the respondents not to calculate interest on the amount which was transferred by the Bank under their fault to Indian Oil Corporation Limited for Rs.71,70,061/- inspite of Rs.6,17,061/-, without the order or permission of the petitioner.

2. The brief facts culled out of the petition are that the petitioner is running a petrol pump in the name



and style of Vishal Kishan Seva Kendra and the petitioner possess a credit card of Central Bank of India, vide Account No. 2209051874. On 22.03.2013 the petitioner issued a cheque for Rs. 6,17,000/- for R.T.G.S., to debit into the Account No. 30210428604A223514 of S.B.I. CAG Mumbai Branch of Indian Oil Corporation Limited. The petitioner fulfilled the required performa for RTGS and gave the details of the amount, as well as Bank charges, for RTGS for a total amount of Rs. 6,17,061/-. The Central Bank of India, Ghorhwa Branch, Motihari debited amount, in credit card account of the petitioner for Rs. 61,70,061/- in place of Rs. 6,17,000/- and transferred the entire amount of Rs. 61,70,061/- to IOCL Mumbai. However, the Bank realized their fault and immediately on the same day addressed a letter to the Managing Director, IOCL State Office Patna, Jai Prakash Building, Patna requesting to reverse the excess amount to the party's CC account. Thereafter, the Central Bank of India calculated the interest on the amount, which was transferred by its fault and tried to realize the same from the petitioner. Due



to the fault of Central Bank of India, Ghorhwa Branch, Motihari the petrol-pump of the petitioner was disturbed/stopped for 25 days, as IOCL stopped the supply of oil to the petitioner.

3. The contents of the Writ petition further disclose that the petitioner suffered a huge economical, mental and physical loss, for the mistake done by the Central Bank of India. The Central Bank of India, Branch Ghorhwa, Motihari advertently transferred the excess amount of Rs. 55,53,000/-. Thereafter, the Writ petition is filed seeking the relief, not to calculate the interest on the amount and to punish the bank officials.

4. No representation on behalf of the respondent.
Counter affidavit not filed.

5. Heard the Learned counsel for the petitioner.

6. The relief sought by the petitioner is to punish the bank authorities and to direct the respondents not to calculate the interest, for the excess amount which was transferred by the fault of the Bank authorities.



7. It is evident that it is an interse dispute between the customer and the Bank which do not come under the ambit of Article 226 of the Constitution of India to invoke the jurisdiction of this Court. The fundamental rights of the petitioner is nowhere violated or infringed in the present case to invoke the jurisdiction of this Court. However, the petitioner is always at liberty to avail his remedies before the appropriate authority.

8. However, the petitioner is at liberty to avail his remedies before the appropriate authority and the delay shall be liberally considered by the authorities.

9. In result, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.11.2024
Transmission Date	25.11.2024

