

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11058 of 2022

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Rita Sahay, aged about 57 years, Female, Wife of Pankaj Kumar, Resident of Keshav Kunj Apartment, 103, First Floor, Near Shanti Vihar Apartment, Fraser Road, Patna.

... .. Petitioner/s

Versus

1. The Reserve Bank of India, Regional Office, Adarshila Complex, Gandhi Maidan Road, South Gandhi Madan, Salimpur Ahra, Dujra Diara, Patna, Bihar.
2. The General Manager, State Bank of India, Head Office, West Gandhi Maidan, Gandhi Maidan P.S., District- Patna.
3. The Branch Manager, State Bank of India, Stressed Assets Recovery Branch (SARB), 2nd Floor, Patna Main Branch Building, Patna.
4. The Branch Manager, State Bank of India, BSEB Branch, Fraser Road, Kotwali P.S., District- Patna.
5. The Branch Manager, State Bank of India, Kankarbagh Branch, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate.
For the Respondent/s : Mr. Prabhat Ranjan, Advocate.
Mr. Abu Nasar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

11 09-07-2024

Re: I.A. No. 01 of 2024

For the reasons mentioned in the Interlocutory Application No. 01 of 2024, the same is allowed.

2. Registry is directed to make necessary changes accordingly.

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Even today when the matter is called out, there is no representation on behalf of the Respondent-Bank. The counter



affidavit has not been filed till date in spite of specific direction given by this Court on 25.06.2024.

2. The present writ petition has been filed challenging the order dated 22.02.2022 passed by the Ombudsman. The Ombudsman vide order dated 22.02.2022 has rejected the complaint made by the petitioner on the sole ground that the complaint is time barred i.e. beyond the period of one year, except the above said ground no other reason has been given by the Ombudsman for rejecting the complaint made by the petitioner.

3. A perusal of the order dated 22.02.2022 passed by the Ombudsman reveals that there is a dispute with regard to a transaction dated 27.12.2016 and the petitioner lodged a complaint with the Bank on 20.11.2018. The Ombudsman was of the opinion that the complaint is made beyond the period of one year and therefore the same is time barred and rejected the complaint. However, the petitioner has drawn the attention of this Court to the Annexure 7 series filed along with I.A. No. 1 of 2024 wherein the legal notice issued by the petitioner to the bank raising the dispute with regard to the transaction dated 27.12.2016 is dated 07.01.2017, therefore, it cannot be said that the complaint filed by the petitioner is beyond the period of one



year, moreover, the receipt of the said legal notice has also been acknowledged by the Bank.

4. Having regard to the same, the present writ petition is allowed. The impugned order passed by the Ombudsman dated 22.02.2022 is set aside and the matter remanded back to the Ombudsman for passing orders afresh duly taking into consideration the materials filed by the petitioner. In case, the petitioner is so advised, she can file fresh material in support of her case within a period of four weeks from today. The Ombudsman shall endeavour to dispose of the complaint made by the petitioner as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

5. With the above observation, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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