

AD-08
Ct No.09
20.05.2024
TN

WPA No. 11663 of 2024

Shri Surajit Lahiri
Vs.
Ombudsman – Reserve Bank of India and others

Mr. Surajit Lahiri

.... petitioner in person

Mr. R. N. Ghose,
Ms. Tonoya Ghose

.... for the respondent nos. 2 and 3

1. The petitioner, with the leave of court, appears in person.

It is contended by the petitioner that the bank hugely overcharged the petitioner for which the petitioner approached before the Banking Ombudsman. By the impugned order, citing Clause 16(1)(a) read with Clause 10(2)(b)(ii) of the RBI – Intergrated Ombudsman Scheme, 2021, the Ombudsman refused to entertain the same on the ground that it was *sub judice* (pending before/dealt with/settled by a court/tribunal/arbitrator).

2. The petitioner points out that when the petitioner approached the concerned tribunal upon steps being taken by the bank under Section 14 of the SARFAESI Act, 2002, although a protective order was passed in favour of the petitioner, it was held by the tribunal that settlement is a process between the parties and the tribunal has no role regarding the factum of settlement.

3. Heard learned counsel for the bank as well.

4. It is evident that the dispute raised before the Ombudsman by the petitioner pertains to a dispute regarding the amount to be paid by the petitioner to the bank. Since the quantum of liability of the petitioner is also in dispute before the tribunal itself, the Ombudsman was justified in refusing to entertain the petitioner's complaint on the ground that the self-same issue was sub judice before the tribunal.
5. The mere finding of the tribunal that a settlement is a process between the parties does not absolve the petitioner of the liability to urge his grievances before the tribunal, where the dispute is already *sub judice*. In fact, since the petitioner is also enjoying a protective order from the tribunal, I do not find any reason to find any fault in the decision-making process of the Ombudsman.
6. Accordingly, there is no merit in the writ petition.
7. Hence, WPA No. 11663 of 2024 is disposed of with liberty to the petitioner to urge the disputes raised before the Ombudsman in the pending proceeding before the concerned Debts Recovery Tribunal.
8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)