

D/L 20
19.11.2024
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 20694 of 2022

Bulbuli Biswas

Vs.

The Banking Ombudsman Reserve Bank of India & ORS.

Mr. S. Majumder

Mr. H. Ghosh

Mr. N. Khote

...for the Petitioner.

Ms. Soni Ojha

...for the respondent nos. 3, 5&6

1. Affidavit of service filed in Court today is taken on record.
2. The grievance of the petitioner is that the Bank is not issuing 'no objection certificate' in favour of the petitioner despite repayment of the loan amount. A representation was made before the General Manager, Customer Redressal Cell of the Reserve Bank of India in the year 2022. The same is yet to be disposed of.
3. Learned advocate representing the Bank raises a preliminary objection with regard to the maintainability of the writ petition. It has been submitted that, as per the loan agreement the Bank is authorized not to issue 'no objection certificate' if there is any amount due from the borrower in respect of other assets mortgaged to the Bank.
4. Upon hearing the parties, the instant writ petition is disposed of by directing the respondent no. 4 to consider and dispose of the prayer of the petitioner in accordance with the relevant rules and guidelines upon giving the parties an opportunity of hearing, at the earliest but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties immediately thereafter.

5. Learned advocate for the petitioner is directed to forward a copy of the representation dated 12th August, 2022 along with all supporting documents to the aforesaid respondent at the time of communicating the order of this Court.
6. However, it is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)