

D/L 36
25.11.2024
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23863 of 2024

Mina Sarkar

Vs.

The Reserve Bank of India, Regional Office, Kolkata &
Ors.

Mr. Indrajit Bhattacharjee
Mr. Moloy Raychowdhury

...for the Petitioner.

Ms. Suchismita Ghosh

...for the respondent no.1.

Mr. Arnab Das
Mr. Vaibhav Sharma
Ms. A. Yadav
Ms. S.R. Sultana

...for the respondent no. 3.

Mr. Apurba Kr. Ghosh

...for the respondent no. 5.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is aggrieved by the communication made by the Banking Ombudsman dated 3rd September, 2024 whereby the complaint filed by the petitioner has been treated as not maintainable and closed in accordance with Clause 16(1) (a) 10 (2) (b) (ii) of the Reserve Bank – Integrated Ombudsman Scheme, 2021 (1).
3. The petitioner and the private respondent no. 5 are partners in a partnership firm running business of a petrol pump. Disputes cropped up in between the partners; a Title Suit has been filed. On a complaint received from one of the partners, the HDFC Bank has frozen the bank account of the petitioner.
4. The petitioner prays for de-freezing of the bank account. It has been submitted that the dispute is with regard to the family and the same does not concern the business. The bank account is required to be de-freezed so that the same can be operated for running the business.
5. Learned advocate representing the private respondent submits that there are several financial irregularities in the business

and, accordingly, a request was made before the Bank for freezing the subject bank account which is being operated by the partners of the business.

6. Learned advocate representing the HDFC Bank submits that there is a Civil Suit pending in between the private parties wherein the Bank has been arraigned as defendant. Similar prayer for reopening the bank account for resuming normal transactions has been made in the Suit being **Title Suit No. 315 of 2024** before the learned **Civil Judge (Junior Division), 2nd Court, Chinsurah**.
7. Learned advocate representing the Reserve Bank of India submits that, the Banking Ombudsman has merely closed the complaint relying upon the provisions of the Reserve Bank-Integrated Ombudsman Scheme. The Banking Ombudsman did not pass any formal order in the matter.
8. Upon hearing the parties and on perusal of the documents placed before this Court, it appears that, there is a dispute between the family members who happen to be partners in a partnership firm. A Civil Suit in between the parties is pending consideration before the learned Civil Judge. There are allegations and counter allegations made against each other. Disputed questions of facts cannot be adjudicated by the writ court.
9. It will be open for the petitioner to approach the learned Civil Judge for necessary relief. The communication made by the Banking Ombudsman does not require any interference.
10. The instant writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)