In the High Court of Judicature at Madras

Dated : 02.9.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.25030 of 2024 &
WMP.Nos.27370 & 27372 of 2024

V.Vincent Velankanni ...Petitioner

Vs

1.The Union Bank of India,
Credit Card Division,
Head Office, Andhra Bank
Buildings, Kotti Sultan Bazar,
Hyderabad-95.

2.The Reserve Bank of India,
rep.by its Ombudsman,
Consumer Education & Protection
Cell, Fort Glacis, Rajaji Salai,
Chennai-1.

3.The Reserve Bank of India, rep.
by its Executive Director,
Consumer Education & Protection
Department, 16th Floor,
Central Office Building,
Shahid Bhagat Singh Road,
Mumbai-1. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to rejection order passed by the 2nd respondent on 29.7.2024 on the Complaint bearing No.N202425006004387 given by the petitioner, quash the same and consequently direct the 2nd respondent to reconsider the petitioner's complaint bearing No. N202425006004387 dated 21.7.2024.

For Petitioner : Mr.M.Rajkumar

ORDER

The writ petition has been filed challenging the order dated 29.7.2024, by which, the second respondent rejected the complaint given by the petitioner dated 21.7.2024 on the ground that the complaint was a duplicate of the matter lodged in Complaint No. N202324006011584, which was examined and closed earlier and to direct the second respondent to reconsider the petitioner's present complaint dated 21.7.2024.

2. Heard the learned counsel for the petitioner.

3. The case of the petitioner is as follows :

(i) The petitioner had an account with the first respondent at Avadi Branch. The officials of the first respondent at Avadi Branch offered credit card facility and the petitioner also accepted the offer. Initially, the credit limit was extended upto Rs.50,000/- and it was subsequently enhanced to Rs.80,000/- without explicit consent from the petitioner.

(ii) The petitioner also availed a home loan with the first respondent and made repayments regularly. But, as the payment due under the credit card was not made by the petitioner, the first respondent started to capitalize the unpaid charges. Hence, the petitioner gave a complaint dated 17.10.2023 to the first respondent. However, no reply was given. Hence, the petitioner sent a representation dated 28.11.2023 to the second respondent and it was categorized as incorrect/excessive charges levied for delayed payment. However, by order dated 28.2.2024, the complaint of the petitioner stood closed by the second respondent.

(iii) As against the order dated 28.2.2024, the petitioner preferred an appeal on 14.6.2024 before the third respondent. But, it was rejected by order dated 19.7.2024 on the ground that the complaint was not appealable. Even thereafter, the first respondent did not stop levying excess limit charges nor they reversed the incorrect or excess limit charges. As per the credit card statement dated 25.5.2024, though the opening balance was Rs.6,32,687/-, the first levied excess limit charges.

(iv) Hence, the petitioner sent the present complaint dated 21.7.2024 seeking for remedial action. However, it was mechanically rejected by the second respondent by the impugned order. Hence, the petitioner is before this Court.

4. This Court has carefully considered the submissions of the learned counsel for the petitioner.

5. Initially, the petitioner availed the credit card facility upto Rs.50,000/- and thereafter, the first respondent enhanced the same upto Rs.80,000/- without any explicit consent from the petitioner. However, the petitioner failed to make the credit card payment subsequently.

6. In the considered view of this Court, since it is a private dispute between the petitioner and the first respondent, the petitioner has to work out his remedy before the competent civil court and not before this Court.

7. Hence, the writ petition is dismissed with liberty to the petitioner to work out his remedy in a manner known to law. Consequently, the connected WMPs are also dismissed. No costs.

02.9.2024

Index : Yes (or) No

Neutral Citation : Yes (or) No

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M.DHANDAPANI,J

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