



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-2405-2019
Date of Decision: 08.05.2024**

NEERAJ GUPTA

... Petitioner

VERSUS

**APPELLATE AUTHORITY (UNDER THE BANKING
OMBUDSMAN SCHEME 2006) AND ORS**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sandeep K. Sharma, Advocate
for the petitioner.

Mr. Arvind Rajotia, Advocate
for respondents No.3 and 4.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 03.10.2018 passed by the Appellate Authority as well as to the order dated 24.08.2018 passed by Banking Ombudsman declining the contention of the petitioner while specifically averring that the petitioner has not been nominated by the deceased and that the authorization was only with respect to allowing him to operate the account, hence, he cannot seek release of the FDRs in his favour.

A reply alongwith letter of authority for operation of the account executed by the deceased has been attached as Annexure R-3/2. Counsel for the petitioner makes a reference to Annexure R-3/4, which is an opening form of a new term deposit/progressive deposit, wherein there is a handwritten note about Neeraj Jain. The said document is being pressed by the petitioner for claiming that he is a nominee in the said case. However, on a cursory examination, the

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abovesaid nomination material does not appear to be in same handwriting in which the application has been filled up or has been signed. Learned counsel for the respondents has further pointed out that the said application was an account opening form and without authorization, the petitioner has nominated himself and it is not a nomination by the account holder. The reply filed by the respondents in 2020 is not confronted by any replication/rejoinder, thus giving rise to disputed questions of fact. Besides, undisputedly, the petitioner has other alternative efficacious remedies to agitate the said issue.

In the abovesaid circumstances, considering the petitioner has efficacious alternative remedies as also that disputed questions of fact arise for determination in the present petition, the same is dismissed at this stage with liberty to the petitioner to take recourse to the alternative remedies, if so advised.

Needless to mention that in the event of the petitioner taking recourse to any such remedy, the period during which the present petition has remained pending before this Court, shall be taken into consideration for computing limitation.

MAY 08, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No