

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(223)

**2024:PHHC: 061677
CWP-22517-2023
Date of Decision: 03.05.2024**

M/s NEC Rotoflex Packaging Corporation (AJC Unit),
Cremica Food Park Pvt. Ltd.

--Petitioner

Versus

Reserve Bank of India & others

--Respondents

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

Present:- Mr. Rajat Khanna, Advocate for petitioner.

Mr. Gaurav Goel, Advocate for the
respondents no.2 & 3.

VINOD S. BHARDWAJ.J (Oral)

The petitioner seeks setting aside of order dated 08.08.2023 (Annexure P-13) passed by respondent no.4 i.e. Ombudsman, whereby complaint of the petitioner has been rejected under Clause 16(2)(a) of the 'Reserve Bank-Integrated Ombudsman Scheme, 2021' without following the mandatory provisions.

2. Notice of motion was issued on 06.10.2023 in this case and the following order was passed:-

“Learned counsel for the petitioner contends that Annexure P-6 is an internal communication between the Zonal Manager and the Branch which reflects that the agreement executed between the petitioner and the respondent-Bank did not have the clause of 'foreclosure charges' to be deducted. He contends that the Ombudsman has not taken into consideration the above said communication which denotes an admission by the respondent-Bank about the charges being illegal.

Notice of motion.

Mr. Gaurav Goel, Advocate accepts notice on behalf of respondents No.2 and 3; and prays for some time to

*complete instructions and file response, if necessary.
Adjourned to 31.10.2023.”*

3. Learned counsel for the petitioner contends that the communication (Annexure P-6) between the Zonal Manager and the Branch Manager establishes the claim of the petitioner that the agreement executed between the petitioner and the respondent-Bank did not have any clause by virtue whereof the respondent Bank could have demanded a foreclosure charge. He, thus, prays that the matter may be remanded to the Ombudsman for passing a fresh decision after considering all the pleas raised by the petitioner including the evidence that he wishes to rely on.

4. Learned counsel for the respondent-Bank has reiterated his submission as set out in the reply filed, however, he is not in a position to dispute the internal communication (Annexure P-6). It is also not in dispute that the said aspect had not been brought to the notice of the Ombudsman.

5. Under the given circumstances, the present writ petition is allowed. The order dated 08.08.2023 (Annexure P-13), passed by the Ombudsman is set aside. The matter is remanded to the Ombudsman for passing a fresh decision in the matter after granting an opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

03.05.2024

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No