IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

MAT 1253 of 2025
With
IA No.: CAN 1 of 2025
With
IA No.: CAN 2 of 2025

Sandip Kumar Roychowdhury
Vs.
Reserve Bank of India & Ors.

For the Appellant : Mr. Sujit Kumar Bhattacharya, Advocate
Mr. Mihir Kumar Das, Advocate

Hearing & Judgment on : August 20, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the writ petitioner and directed against the order dated June 23, 2025 passed in WPA 8334 of 2025.
2. By the impugned order, learned Single Judge disposed of the writ petition by observing that, it would be open to the appellant to take necessary steps in the matter in accordance with law to challenge the order passed by the banking ombudsman before the competent forum.
3. None appears for the respondents.

4. Department reports that, the appeal in form and in time. Consequently, no order need be passed in the application for IA No.: CAN 1 of 2025 seeking condonation of delay.
5. IA No.: CAN 2 of 2025 is an application seeking appropriate orders in the appeal.
6. We requested the learned Advocate appearing for the appellant to provide us a copy of the writ petition and a copy of the order passed by the ombudsman which he did.
7. According to the appellant, the appellant took loan from Deutsche Bank. Appellant kept an immovable property as security for such loan. With the appellant failing to repay such loan, the bank proceeded against the mortgaged property put it up for sale and realized sale proceeds. According to the appellant, the bank realized more than the amount of outstanding and, therefore, bank is liable to refund the excess to the appellant.
8. Appellant claims that, he is suffering from terminal diseases and, therefore, was unable to approach the appropriate forum at the appropriate time.
9. Appellant ultimately approached the banking ombudsman with a complaint. Compliant of the appellant was closed by the banking ombudsman on the ground that the scheme of the ombudsman states that, the ombudsman need not interfere prior to the complainant making his grievance known to the concerned bank.

10. Ombudsman noted that, prior to approaching the ombudsman, the appellant did not approach for redressal of the grievances to bank and, therefore, proceeded to close the complaint before the ombudsman as not maintainable.

11. This decision of the ombudsman dated April 8, 2025 was not assailed by the appellant in the writ petition.

12. Learned Single Judge, therefore, rightly observed that, the decision of the ombudsman dated April 8, 2025 was not under challenge. Learned Single Judge, therefore, rightly granted leave to the appellant to approach the appropriate forum for redressal of the grievances, if any.

13. We find no ground to interfere with the order impugned.

14. **MAT 1253 of 2025** and all the connected applications are disposed of without any order as to costs.

(Debangsu Basak, J.)

15. I agree.

(AD)

(Md. Shabbar Rashidi, J.)