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ORDER SHEET

WPO No.386 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MANJU DEVI MAHIPAL
VS.
THE RESERVE BANK OF INDIA & ANR.

BEFORE
THE HON'BLE JUSTICE AMRITA SINHA
Date: 5th March, 2025.

Appearance :

Mr. Pratyush Patwaari, Adv.
...for the Petitioner.

Ms. Suchishmita Ghosh, Adv.
...for the Respondent no.1.

Mr. Jayanta Sengupta, Adv.
Mr. Ayan Chakraborty, Adv.
Ms. Sohini Mukherjee, Adv.
Mr. Ayan Das, Adv.
...for the Respondent no.2.

Ms. Parna Roy Chowdhury, Adv.
...for the Respondent no.3/PNB.

1. The petitioner is aggrieved by the order passed by the Banking Ombudsman regarding closure of a complaint lodged by the petitioner against the Kotak Mahindra Bank Limited.
2. It appears that certain amount of money was credited to the account of the petitioner by the Punjab National Bank. The petitioner has his account in the Kotak Mahindra Bank Limited who intimated the petitioner that the amount was erroneously transferred to his account. The said communication was made by the Kotak Mahindra Bank Limited on the information provided by the Punjab National Bank.

3. According to the petitioner, the amount which has been credited in his account belongs to him. One M/S. Kamal Trading Company lodged a complaint before the Punjab National Bank claiming that the sum of Rs.4,34,000/= was not liable to be transferred to the account of the petitioner.
1. It appears that there is a business relation between the petitioner and M/S. Kamal Trading Company. Whether the amount which was credited to the account of the petitioner was the proper figure or not has to be adjudicated. The said adjudication can neither be done by either of the banks or the writ Court. It is for the petitioner and M/s. Kamal Trading Company to resolve the disputes between themselves.
4. Till the dispute between the parties gets resolved, the bank has rightly maintained a lien over the said amount. The Court does not find any error on the part of the Reserve Bank of India to close the complaint that was lodged by the petitioner. Such disputed question of facts cannot be adjudicated in the writ petition.
5. It will be open for the parties to resolve the disputes before the appropriate forum.
6. The writ petition stands disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)