

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4346 OF 2024

Prabhat Plaza Pvt Ltd Through
Its Authorised Representative Seema Roy ...Petitioner
Versus
Ombudsman Reserve Bank of India And Anr. ...Respondents

Mr. Sandesh Shukla, a/w Anasanah Sayed, Sayli Patil, Devesh Sawant, Afsar Ansari for Petitioner.

Mr. Charlos De'souza, a/w Rupak Sawangikar and Daneel Pancras for Respondent No.3.

Mr. Prasad Shenoy, Aditi Phatak, Ms. Parichehr Zaiwalla, Juhi Bhayani i/b. BLAC Co. for Respondent No.1 (RBI).

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 12 December 2025

P.C.:-

1. Heard the learned counsel for the parties.
2. The Petitioner challenges the Ombudsman's order dated 20 October 2023, on the ground that the same is unreasoned and, in any event, the Petitioner was not given an opportunity to explain how the scope of the proceedings pending before the DRT or in arbitration was or in arbitration were different from the proceedings which the Petitioner had initiated before the Ombudsman.

3. The learned counsel submitted that the Petitioner's complaint before the Ombudsman basically concerned the practices adopted by the second Respondent - Financial Institutions by way of ignoring the fact that the Petitioner had made payments to the tune of almost Rs. 20 Crores, unilateral increase of interest rates and other instances of unfairness.

4. He submitted that the scope of the proceedings before the Arbitrator or DRT was quite different. Therefore, the Ombudsman should not have dismissed Petitioner's complaint as not maintainable by invoking cause 16(1)(a) read with clause 10(2)(b)(ii) of the Reserve Bank - Integrated Ombudsman Scheme 2021.

5. The learned counsel for the Respondents submitted that proceedings continue to pend before the DRT. There is an Arbitration Award issued regarding disputes between the parties. Accordingly, they submitted that the Ombudsman was justified in invoking the above-referred clauses of the Scheme and not entertaining the Petitioner's complaint.

6. We have considered the rival contentions and perused the material placed on record. We have also considered the replies filed on behalf of the Respondents. The learned counsel for the Petitioner has stated that the Petitioner does not wish to file any rejoinder in this matter.

7. The record shows that the Petitioner had obtained three loans from the second Respondent – Financial Institutions. Since disputes arose regarding these loan

accounts, the matter was referred to arbitration. The Arbitrator has made an Award directing the Petitioner to pay certain amounts to the second Respondent.

8. The learned counsel for the Petitioner points out that the Award was ex parte. There is nothing on record to indicate that the Petitioner challenged this Award. In fact, the learned counsel for the Petitioner admitted that the Award was not challenged on the ground of limitation.

9. After that, it appears that the second Respondent initiated action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“**SARFAESI Act**”), for the recovery of the amounts which the second Respondent claims are payable by the Petitioner herein. The Petitioner has challenged this action before the DRT, and even those proceedings are pending.

10. Considering the pendency of the above proceedings, we find no fault with the Ombudsman's approach. By urging that the scope of the complaint is different, we do not think the Ombudsman can be called upon to revisit the issues concerning the loan account or the payments required under it. This is really a matter of semantics, and the Petitioner, having missed the bus to challenge the Arbitrator's Award, is indirectly raising similar issues before the Ombudsman.

11. Therefore, we find no error in the Ombudsman's view. In fact, the Ombudsman was quite justified, in the facts and circumstances of this case, in dismissing the Petitioner's

application as not maintainable.

12. Accordingly, we dismiss this Petition without any order for costs.

(Advait M. Sethna, J)

(M.S. Sonak, J.)