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W.P.No.8402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8402 of 2025

and

W.M.P.No.9605 of 2025

Dr.S.Rajasekaran,
S/o late T.Subaiah,
Sri Sai Nivas,
No.C 3B, 6th Block, Ori Salai,
Mogappair East,
Chennai 600 037.

.. Petitioner

/versus/

1.The Reserve Bank of India,
Chennai Zonal Office,
No. 16, Rajaji Salai,
Fort Glacis,
Chennai - 600 001.

2. The Banking Ombudsman
Office of Banking Ombudsman,
The Reserve Bank of India Building,
Fort Glacis, Chennai -600 001.

3. The Managing Director and Chief Executive Officer,
Canara Bank, No. 112, J C Road, Bengaluru-560 002.



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4. The Chief General Manager/General Manager,
Canara Bank, S R Wing, Head Office,
No. 112, J C Road, Bengaluru-560 002.

5. The Senior Manager,
Canara Bank, Annanagar West Branch,
Annangar Western Extension,
Chennai 600 101.

6. The Branch Manager,
Canara Bank, 8th Floor,
Venkataramana Centre,
534, Anna Salai, Teynampet,
Thiru Vi Ka Kudiyiruppu,
Chennai-600 018.

7. The Branch Manager,
Canara Bank, Anna Nagar
West Extension Branch,
School Road, Chennai -600 101.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to Impugned Order dated 22.01.2025, on the file of the 2nd Respondent made in respect of Petitioner's Complaint dated 12.01.2025 bearing No. N202425006010477 and to quash the same and to consequently



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to direct the Respondents 3 to 7 to pay a sum of Rs.9,51,553/- towards the excess amount received from Petitioner along with the interest as compensation and also a sum of Rs.5,00,000/- towards expenses incurred, harassment and mental anguish, suffered by me.

For Petitioner :Mr.A.Govindaraj

For Respondents :Mr.R.Sreedhar for R3 to R7

ORDER

This Writ Petition is filed to call for the records pertaining to the impugned order dated 22.01.2025 on the file of the 2nd respondent made in respect of the petitioner's complaint dated 12.01.2025 bearing No.N202425006010477 and to quash the same and consequently, to direct the respondents 3 to 7 to pay a sum of Rs.9,51,553/- towards the excess amount received from petitioner along with the interest as compensation and also a sum of Rs.5,00,000/- towards expenses incurred, harassment and mental anguish, suffered by him.



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2.Mr.R.Sreedhar, learned counsel takes notice for the respondents 3 to 5.

3.According to the learned counsel for the petitioner, the petitioner alone had an account with the respondents 3 to 5. Even though he has made payments, an excess payment to the tune of Rs.9,51,553/- was deducted from petitioner's account. Therefore, he has made the complaint to the file of the second respondent. Now, by the impugned order, the complaint was rejected, by quoting class 16(2)(b) of the Reserve Bank-Integrated Ombudsman Scheme, 2021. The learned counsel for the petitioner would submit that it can be seen that as per class 16(2)(b), the complaint can be rejected, if the compensation sought for is beyond the power of the Ombudsman to award the compensation as indicated under Class 8(2). A reading of class 8(2), it can be seen that the Ombudsman has the power to award compensation up to Rs.20,00,000/-. Therefore, the matter is within the jurisdiction of the Ombudsman.



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4.Mr.R.Sreedhar, the learned counsel appearing on behalf of the respondents 3 to 5 would submit that the amount has been rightly appropriated towards the outstanding balance of the loan account. It may be so. But, when the petitioner raises a complaint before the second respondent-Banking Ombudsman that the excess amount is deducted from the loan account, and if the respondent bank contends that it is not so, it is for the second respondent to decide the matter on its own merits. The ground on which the complaint is closed specified under Class 16(2)(b). As per Class 16(2)(b) read with Class 8(2), the second respondent has jurisdiction in respect of matters up to Rs.20,00,000/-. In this case, the excess amount claimed is only Rs.9,51,553/-. Therefore, the same is within the jurisdiction of the second respondent.

5.In view thereof, this writ petition is ordered on the following terms:-

(1)The impugned order of the second respondent dated 22.01.2025



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bearing No.N202425006010477 stands quashed.

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(ii)The second respondent is directed to deal with the complaint of the petitioner on its own merits, by affording opportunity to both sides and pass orders in accordance with law. Consequently, connected Miscellaneous petition is closed. No cost.

13.03.2025

Netural citation:yes/no

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To:

1.The Reserve Bank of India, Chennai Zonal Office, No. 16, Rajaji Salai, Fort Glacis, Chennai - 600 001.

2. The Banking Ombudsman Office of Banking Ombudsman, The Reserve Bank of India Building, Fort Glacis, Chennai -600 001.

3. The Managing Director and Chief Executive Officer, Canara Bank, No. 112, J C Road, Bengaluru-560 002.

4. The Chief General Manager/General Manager, Canara Bank, S R Wing, Head Office, No. 112, J C Road, Bengaluru-560 002.

5. The Senior Manager, Canara Bank, Annanagar West Branch, Annangar Western Extension, Chennai 600 101.



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6. The Branch Manager, Canara Bank, 8th Floor, Venkataramana Centre,
534, Anna Salai, Teynampet, Thiru Vi Ka Kudiyiruppu, Chennai-600 018.

7. The Branch Manager, Canara Bank, Anna Nagar West Extension Branch,
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