



CWP-16418-2016

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

(102)

CWP-16418-2016

Date of Decision : 19.02.2025

M/s Amar Wheels Pvt. Ltd.

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. Ramesh Chand Sharma, Advocate
for respondents No.1 and 2.

Mr. Karan S. Gill, Advocate
for respondent No.3.

Mr. Vikas Chatrath, Advocate
for respondents No.4 and 5.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, as cast under Articles 226/227 of the Constitution of India, challenge is thrown to the order dated 04.08.2015 (Annexure P-13), under The Banking Ombudsman Scheme, 2006 (hereinafter referred to as 'the Scheme of 2006'), passed by the respondent No.6-Banking Ombudsman, Reserve Bank of India, through its Assistant Secretary.
2. In the order (supra), it has been mentioned that the complaints closed under Clause 13 (a) of the Scheme of 2006, are not appealable.
3. On the last date of hearing, learned counsel for the respondents, raised the objection regarding the maintainability of the instant petition, as Regulation 14 of the Scheme of 2006, provides a forum of appeal.



4. Today, learned counsel for the petitioner has made an attempt to satisfy this Court, to the effect, that since the impugned order itself carries the observation regarding non-maintainability of any appeal, therefore, the petitioner has no other remedy, except to file the instant petition.

5. In order to understand, and adjudicate the instant dispute, it is apt, at this stage, to extract the Regulation 14 of the Scheme of 2006, which prescribes the provisions of appeal, and the same is extracted hereinafter :-

“14. APPEAL BEFORE THE APPELLATE AUTHORITY:

(1) Party to the complaint aggrieved by an Award under Clause 12 or rejection of a complaint for the reasons referred to in sub clauses (d) to (g) of Clause 13, may within 30 days of the date of receipt of communication of Award or rejection of complaint, prefer an appeal before the Appellate Authority:

Provided that in case of appeal by a bank, the period of thirty days for filing an appeal shall commence from the date on which the bank receives letter of acceptance of Award by complainant under Sub-Clause (8) of Clause 12; Provided that the Appellate Authority may, if he is satisfied that the applicant had sufficient cause for not making the appeal within time, allow a further period not exceeding 30 days;

Provided further that appeal may be filed by a bank only with the previous sanction of the Chairman or, in his absence, the Managing Director or the Executive Director or the Chief Executive Officer or any other officer of equal rank."

(2) The Appellate Authority shall, after giving the parties a reasonable opportunity of being heard

(a) dismiss the appeal; or

(b) allow the appeal and set aside the Award; or

(c) remand the matter to the Banking Ombudsman for fresh



disposal in accordance with such directions as the Appellate Authority may consider necessary or proper; or (d) modify the Award and pass such directions as may be necessary to give effect to the Award so modified; or (e) pass any other order as it may deem fit.

3) The order of the Appellate Authority shall have the same effect as the Award passed by Banking Ombudsman under Clause 12 or the order rejecting the complaint under Clause 13, as the case may be.”

6. The perusal of the Clause (1) of Regulation 14, makes it very clear that; (i) a party to the complaint aggrieved by an Award under Clause 12, (ii) rejection of a complaint for the reasons referred to in sub clauses (d) to (g) of Clause 13 or, (iii) rejection of a complaint, within 30 days of the date of receipt of communication of Award, prefer an appeal before the Appellate Authority. The case of the present petitioner, in fact, lies under the third category, therefore, the order (supra), which is impugned, before this Court, is in fact, appealable one.

7. At this stage, learned counsel for the petitioner submits that he may be granted liberty to challenge the impugned order, by filing an appeal, as per the Scheme of 2006, before the apt authorities concerned, within a period of 30 days from today.

8. The request made by the learned counsel for the petitioner is *bona fide* and innocuous, and therefore, the petitioner is relegated to the learned Appellate Authority concerned, for the relief, as sought through the instant writ petition.

9. In case, the petitioner prefer any appeal, within a period of 30 days from today, with an application for condonation of delay, the learned Appellate Authority concerned, considering the fact that the petitioner has

maintained the misconceived motion, before this Court, shall decide the application for condonation of delay, sympathetically, and in accordance with the principles of the Limitation Act.

10. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

February 19, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No