27. **13.01.2026**
Court No.8
(Tanmoy)

FMA/1546/2025
IA NO: CAN/1/2025
DEBASHIS BANERJEE
VS
THE RESERVE BANK OF INDIA OMBUDSMAN - I
(ORBIO-I) & ORS.

Mr. Soumyajit Ghosh
Mr. Dipayan Kundu
Mr. Agnik Moulik
…for the appellant.

Ms. Suchismita Ghosh
…for the respondent no.1.

Mr. Shantanu G. Despande (VC)
…for the respondent nos. 2&3.

Dictated by Arijit Banerjee, J.

1. By consent of the parties, the appeal and the connected application are taken up together for hearing.

2. A judgment and order dated August 19, 2025, passed by a learned Judge of this Court in WPA/13770/2025, being a writ petition filed by the present appellant, is under challenge in this appeal at the instance of the writ petitioner.

3. The appellant approached the learned Single Judge with a grievance that he is a victim of credit card fraud. The Bank issuing the credit card has contributed to the fraud. He has lost about Rs.2.99

lakh. His complaint to the Banking Ombudsman has been dismissed. He prayed for setting aside of the order of the Banking Ombudsman and other reliefs including reversal of the payments debited to his account by the Bank.

4. Initially, when the writ petition was moved, an order dated July 21, 2025 was recorded by the learned Judge. The learned Judge called for a report by way of affidavit from RBL Bank which issued the credit card. The learned Judge further directed that steps taken by the Bank for charging interest from the petitioner during pendency of the writ petition would abide by the result of the writ petition.

5. When the writ petition came up for hearing on August 19, 2025, the learned Judge dismissed the writ petition. The operative portion of the order of the learned Judge reads as follows:-

> *"5. The petitioner further submits that fraud was reported to the bank on the very same day, and that the bank failed to take any steps to trace out the fraudsters.*
>
> *6. It has been submitted that the bank is regularly debiting amount from the petitioner's credit card.*
>
> *7. Prayer has been made to set aside the order of the banking Ombudsman and further restrain the bank from deducting any amount from the petitioner's credit card.*
>
> *8. Learned counsel for the bank asserts that the petitioner himself disclosed vital statistics of his credit card to the caller. The fraudsters may have misutilized the details and the amount got debited from the petitioner's credit card. It has been submitted that there is no deficiency in service on the part of the bank.*

> *9. From the documents annexed to the writ petition, it appears that a police complaint was lodged and that the police have investigated the matter and filed a charge-sheet.*
> *10 The petitioner has admitted in his writ petition that he disclosed certain whereabouts of his credit card, such as his card number, CVV number and the expiry date of the credit card. The same implies that the petitioner indeed disclosed his card details to unknown persons. The issue is already pending consideration before the criminal Court. I am of the opinion that the bank cannot be held primarily responsible for the deficiency in service as alleged…"*

6. Being aggrieved, the writ petitioner is before us by way of this appeal.

7. We see no reason to interfere with the order under appeal. It is an admitted position that the appellant/writ petitioner disclosed the material particulars of the concerned credit card including the CVV number to an unknown caller. It is also not in dispute that the entire fraudulent transaction on the concerned credit card took place prior to any complaint being lodged by the appellant with the Bank. Criminal investigation was initiated and charge-sheet has been filed. The criminal action will be carried to its logical conclusion.

8. The appellant says that the Bank should not have authorized payment without the One-Time Password (OTP) number. The Bank has contributed to the fraud being committed by the unknown miscreants.

9. In the writ jurisdiction we cannot go into such disputed questions of fact. If the appellant has any grievance against the Bank or has any claim for compensation, this order will not stand in his way to institute appropriate proceedings before the appropriate forum, in accordance with law.

10. The appeal being FMA/1546/2025 and the connected application being IA No: CAN/1/2025 stand disposed of.

11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.) **(Arijit Banerjee, J.)**