



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 9258 of 2022

AND

WMP NO. 9023 OF 2022

K.Muthusamy
proprietor, M/s. Yours, No.7, Perumal Muthali
Street, Royapettah, Chennai- 600 014.

..Petitioner(s)

Vs

1. The Banking Ombudsman
Reserve Bank of India, Second Floor, Fort
Glacis, Post Box No.40, Rajaji Salai,
Chennai- 600 001.
2. The Chief manager
Indian Overseas Bank, Cathedral Branch,
Chennai- 600 002.

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order from the 1st respondent in complaint No. 202122006018174 dated 17.01.2022 against the petitioner and quash the same and consequently direct the 2nd Respondent to refund the excess amount charge in Accounts Nos. 16330200000021 and 163303707000013.

For Petitioner(s): Mr.V.Balamurugan

For Respondent(s): No appearance



Order

WEB COPY This Writ Petition has been filed to call for the records of the impugned order from the 1st respondent in complaint No. 202122006018174 dated 17.01.2022 against the petitioner and quash the same and consequently direct the 2nd Respondent to refund the excess amount charge in Accounts Nos. 16330200000021 and 163303707000013.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The case of the petitioner is that the petitioner has obtained loan from the second respondent Bank for a sum of Rs.5,00,000/- in the year 2013 and for a sum of Rs.10,00,000/- in the year 2016. According to the petitioner, the second respondent bank has failed to charge interest for the said loan amount as per the norms of the Reserve Bank of India and charged excess interest amount the said loan amount. Hence, the petitioner has made a complaint to the first respondent. By way of reply, the first respondent passed the impugned order without granting the relief as claimed by the petitioner. Hence, the petitioner is before this Court.



4. The learned counsel for the petitioner submitted that the first respondent has passed the impugned order by wrongly calculating the excess interest amount that has to be repaid to the petitioner. The petitioner is entitled for the reversal of the excess interest to the tune of Rs.29,878/- apart from the amount returned by the second respondent towards excess interest. Further, the petitioner is also entitled for the interest on the excess interest to the tune of Rs.36,590/-. However, the first respondent, without considering all these aspects, has passed the impugned order which is against law and liable to be set aside.

5. The dispute raised in this Writ Petition is pertaining to the petitioner's payment of excess interest during the period from 31.01.2013 to 30.09.2021 and from 28.11.2016 to 29.09.2021 for the loan availed by him from the second respondent Bank. In this regard, a complaint was made to the Bank who is the second respondent and thereafter, a complaint was made to the first respondent. The first respondent has passed the impugned order by directing the second respondent to reverse the excess interest charged from 11.01.2013 till 31.07.2021 amounting to Rs.76,909/- and the excess interest for the period from 28.11.2016 till 20.12.2020 amounting to Rs.34,105.92/- to the petitioner.

6. Upon perusal of the records and the impugned order, it is seen that the payment of excess interest is the issue pertaining to the disputed question of



fact. The same cannot be adjudicated by exercising the jurisdiction under Article 226 of the Constitution of India. The rightful course available to the petitioner is to approach the competent Civil Court for seeking appropriate relief.

7. In view of the above observations, this Writ Petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSK



To

1. The Banking Ombudssman
Reserve Bank of India, Second Floor, Fort
Glacis, Post Box No.40, Rajaji Salai, Chennai-
600 001.
2. The Chief manager
Indian Overseas Bank, Cathedral Branch,
Chennai- 600 002.



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KRISHNAN RAMASAMY J.

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