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Rajinder Sachdeva vs.reserve Bank of India & Ors

Rajinder Sachdeva vs.reserve Bank of India & Ors

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Court : Delhi

Decided On : Mar-21-2017

Appellant : Rajinder Sachdeva

Respondent : Reserve Bank of India & Ors

Advocate for Def. : Mr. K.S. Parihar, Mr. H.S. Parihar, Mr. Ateev Mathur, Ms. Jagriti Ahuja, Mr. A.P.S. Sehgal

Advocate for Pet/Ap. : Mr. Qayamuddin, Mr. M.A. Jamal

Judgement :

IN THE HIGH COURT OF DELHI AT NEW DELHI $~34. * + W.P.(C) 2615/2017 and CM APPL. 11309-10/2017 RAJINDER SACHDEVA .....

... Petitioner
Through: Mr. Qayamuddin, Advocate with Mr. M.A. Jamal, Advocate and petitioner in person.

1. versus RESERVE BANK OF INDIA & ORS .....

... RESPONDENTS
Through: Mr. K.S. Parihar, Advocate with Mr. H.S. Parihar, Advocate for R-1 and R-2/RBI. Mr. Ateev Mathur, Advocate with Ms. Jagriti Ahuja and Mr. A.P.S. Sehgal, Advocates for R-3 and R-4/HDFC Bank. CORAM: HON'BLE MS. JUSTICE HIMA KOHLI % The petitioner is aggrieved by the letter dated

17.02.2017, issued by

ORDER

2103.2017 the respondents No.3 and 4/HDFC Bank, requesting him to close his six saving bank/current accounts maintained with the Kirti Nagar Branch within 30 days, on the ground that it is difficult for the Bank to service the said accounts.

2. Counsels for the respondents No.1 and 2/RBI and respondents No.3 and 4/HDFC Bank enter appearance. Counsel for the petitioner shall furnish a complete set of the paper book to them in the course of the day.

3. Counsel for the petitioner submits that after the date of filing the present petition, the petitioner has received a letter dated 10.03.2017 from the respondents No.3 and 4/Bank, reiterating inter alia, the contents of the W.P.(C) 2615/2017 Page 1 of 3 earlier letter dated 17.02.2017 and granting him a period of 30 days from the date of the said letter, to cancel the unused cheque leaves and ATM/Debit cards of the captioned accounts.

4. Counsel for the respondents No.3 and 4/Bank states that the Bank had to issue the impugned letters for the reason that the manpower of the Bank is very limited and it is difficult to render services to the petitioner as every other day, he visits the Bank to deposit in bulk, soiled/mutilated/imperfect notes in all the six accounts. He submits that the concerned branch of the Bank is not a designated Currency Chest Branch, and the notes deposited by the petitioner in bulk have to be scrutinized minutely before giving him credit, a task for which the branch is not equipped. He adds that such a stringent action had to be taken by the Bank in view of the quarrelsome behaviour of the petitioner, who has been persistently misbehaving with the staff.

5. Counsel for the respondents No.1 and 2/RBI submits that if the petitioner is aggrieved by the action of the respondents No.3 and 4/Bank, then he has a remedy of invoking the provisions of Clause 6.3 of the Master Circular dated 18.07.2016 issued by the RBI, for exchanging the soiled/mutilated/imperfect notes that are legal tender, by approaching the Banking Ombudsman appointed for the said purpose.

6. The aforesaid submission is however disputed by the counsel for the petitioner, who assures the Court on instructions that his client will not give any occasion to the Bank for raising such a grievance.

7. At this stage, counsel for the petitioner submits that the respondents No.1 and 2/RBI has yet to fix the service charges that can be levied by the W.P.(C) 2615/2017 Page 2 of 3 concerned Banks for presenting soiled/mutilated/imperfect notes in bulk, in terms of Clause 6.1.2 of the Master Circular dated 18.07.2016 (Annexure- P8).

8. Mr. Parihar, learned counsel for the respondents No.1 and 2/RBI assures the Court that in the event the RBI has not fixed the service charges that Banks can levy for receiving soiled/mutilated/imperfect notes in bulk, then necessary steps in this regard shall be taken at the earliest.

9. In view of the fact that the petitioner has an equally efficacious alternate remedy of approaching the Banking Ombudsman for relief under Clause 6.3 of the Master Circular dated 18.07.2016 issued by RBI, the present petition is disposed of with liberty granted to him to approach the said forum for ventilating his grievance, as raised here.

10. Counsel for the petitioner states that he shall file a petition before the Banking Ombudsman within one week from today.

11. Till a decision is taken by the Banking Ombudsman on the petition proposed to be filed by the petitioner, the respondents No.3 and 4/Bank shall permit him to operate all the six saving bank/current accounts at its Kirti Nagar Branch, subject matter of the impugned letters dated 17.02.2017 and 10.03.2017, for conducting routine banking transactions, which will not include depositing soiled/mutilated/imperfect notes.

12. The petition is disposed of alongwith the pending applications. HIMA KOHLI, J Page 3 of 3 MARCH21 2017 rkb W.P.(C) 2615/2017

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