$~97, 98 and 102

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3864/2026

SACHIN JAIN .....Petitioner

Through: Mr. Kshitiz Jain, Mr. Ayush Singhal, Advs.

versus

OMBUDSMAN, RESERVE BANK OF INDIA & ORS. .....Respondents

Through: Mr. Dhaval Mehrotra, Ms. Aditi Desai, Advs. for R-1

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\+ W.P.(C) 3867/2026

SACHIN JAIN .....Petitioner

Through: Mr. Kshitiz Jain, Mr. Ayush Singhal, Advs.

versus

OMBUDSMAN, RESERVE BANK OF INDIA & ORS. .....Respondents

Through: Mr. Dhaval Mehrotra, Ms. Aditi Desai, Advs. for R-1

102

\+ W.P.(C) 3887/2026

SACHIN JAIN .....Petitioner

Through: Mr. Kshitiz Jain, Mr. Ayush Singhal, Advs.

versus

OMBUDSMAN, RESERVE BANK OF INDIA & ANR. .....Respondents

Through: Mr. Dhaval Mehrotra, Ms. Aditi Desai, Advs. for R-1

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% **25.03.2026**

W.P.(C) 3864/2026, W.P.(C) 3867/2026 & W.P.(C) 3887/2026

1. These are writ petitions filed under Article 226 of the Constitution of India seeking the following prayers:-

W.P.(C) 3864/2026

> *"a. Issue an appropriate writ, order or direction in the nature of certiorari or any other writ of similar nature setting aside the Impugned Orders dated 05.01.2026 and 22.01.2026 issued by the Respondent No. 1;*
>
> *b. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to remove the liability of the Petitioner amounting to Rs. 47,213 (Rupees Forty Seven Thousand and Two Hundred Thirteen Only) along with applicable late fee and interest (as levied by the Respondent No. 3) from his Simply Click credit card account;*
>
> *c. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to remove the liability of the Petitioner amounting to Rs. 19,600 (Rupees Nineteen Thousand and Six Hundred Only) along with applicable late fee and interest (as levied by the Respondent No. 3) from his IRCTC credit card account;*
>
> *d. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing*

the Respondent(s) to restore the CIBIL score of the Petitioner as prior the disputed transactions;

e. Award appropriate compensation to the Petitioner for facing hardships on account of the Respondents and cost of the present proceedings;…"

W.P.(C) 3867/2026

a. Issue an appropriate writ, order or direction in the nature of certiorari or any other writ of similar nature setting aside the Impugned Order dated 15.01.2026 issued by the Respondent No. 1;

b. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to remove the remaining liability of the Petitioner amounting to Rs. 55,000 (Rupees Fifty Five Thousand Only) along with applicable late fee and interest (as levied by the Respondent No. 2) from his credit card account;

c. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to restore the CIBIL score of the Petitioner as prior the disputed transactions;

d. Award appropriate compensation to the Petitioner for facing hardships on account of the Respondents and cost of the present proceedings;

W.P.(C) 3887/2026

a. Issue an appropriate writ, order or direction in the nature *of certiorari or any other writ of similar nature setting aside the Impugned Order dated 10.02.2026 issued by the Respondent No. 1;*

b. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to remove the liability of the Petitioner amounting to Rs. 4,90,000/- (Rupees Four Lakh Ninety Thousand Only) along with applicable late fee and interest (as levied by the Respondent No. 2) from his credit card account;

c. Issue an appropriate writ, order or direction in the nature of mandamus or any other writ of similar nature directing the Respondent(s) to restore the CIBIL score of the Petitioner as prior the disputed transactions;

d. Award appropriate compensation to the Petitioner for facing hardships on account of the Respondents and cost of the present proceedings;...”

2. The case of the petitioner is that the petitioner had availed credit card facilities from the respective respondent bank(s).

3. On 18.09.2025 and 19.09.2025, the petitioner was flooded with numerous OTP messages along with incessant calls. During this period several unauthorized transactions were being processed through his credit card on the platform of Zomato, Flipkart and Bigtree Entertainment Pvt. Ltd.

4. The petitioner immediately reported the fraud to the respective respondent bank(s) through customer care helpline.

5. Mr. Jai, learned counsel for the petitioner, states that the petitioner is a victim of fraud and the respondent No. 1 has closed the complaints of petitioner without appreciating the facts and the RBI circular dated 06.07.2017.

6. For the said reasons, issue notice.

7. Mr. Mehrotra, learned counsel accepts notice on behalf of respondent Nos. 1 and Mr. Goyal, learned counsel accepts notice on behalf of ICIC Bank.

8. Issue notice to all the other respondents through all modes including electronic on the petitioner taking steps within one week from today, returnable on 29.07.2026.

9. At oral request of Mr. Jain, learned counsel for the petitioner, Cyber Crime Cell, Noida, is impleaded as a party/respondent.

10. Let amended memo of parties be filed within one week from today.

11. On filing of the amended memo of parties, issue notice to Cyber Crime Cell, Noida through all modes including electronic on the petitioner taking steps within one week from filing of the amended memo of parties.

CM APPL. 19000/2026, CM APPL. 19005/2026 & CM APPL. 19065/2026

12. These are applications filed under Section 151 of CPC, 1908 seeking the following interim reliefs:-

CM APPL. 19000/2026

"a. Restrain the Respondents from taking any further coercive action against the Petitioner till the pendency of this petition; and/or

b. Restrain the Respondent No. 3 from charging any further alleged charges in form of late fee, interest, etc till the pendency of this petition; and/or

c. Directing the Respondents and any other concerned authority to ensure that the Petitioner's credit score is not adversely affected during the pendency of this petition; and/or...”

CM APPL. 19005/2026

“a. Restrain the Respondent No. 2 from taking any coercive action against the Petitioner till the pendency of this petition; and/or

b. Restrain the Respondent No. 3 from charging any further alleged charges in form of late fee, interest, etc till the pendency of this petition; and/or

c. Directing the Respondents and any other concerned authority to ensure that the Petitioner's credit score is not adversely affected during the pendency of this petition; and/or...”

CM APPL. 19065/2026

“a. Restrain the Respondent No. 2 from taking any coercive action against the Petitioner till the pendency of this petition; and/or

b. Restrain the Respondent No. 2 from charging any further alleged charges in form of late fee, interest, etc till the pendency of this petition; and/or

c. Restrain the Respondent No. 2 from appropriating *amounts from the Petitioner's current account bearing no. 330201506212 towards the disputed outstanding amount in his credit card account' and/or*

d. Directing the Respondents and any other concerned authority to ensure that the Petitioner's credit score is not adversely affected during the pendency of this petition; and/or..."

13. For the reasons stated in the application, issue notice.

14. Mr. Mehrotra, learned counsel accepts notice on behalf of respondent Nos. 1 and Mr. Goyal, learned counsel accepts notice on behalf of ICIC Bank.

15. Issue notice to all the other respondents through all modes including electronic on the petitioner taking steps within one week from today.

16. In the judgment of ***Hare Ram Singh v. RBI, 2024 SCC OnLine Del 8039,*** the Coordinate Bench of this Court has held that losses arising out of cyber fraud would fall within the ambit of 0 customer liability, even where the bank alleges OTP share.

17. The impugned orders have been passed without taking into account the said judgment.

18. For the said reasons, the petitioner has made out a *prima facie* case and the balance of convenience also lies in the favor of the petitioner. The petitioner shall suffer irreparable loss as the petitioner would be out of pocket for an alleged cyber fraud for which the petitioner was a victim.

19. In case the petition fails, the respondent bank(s) can always recover the money from the petitioner.

20. For the said reasons, till the next date of hearing, the respondent bank(s) are restrained from recovering the credit card dues being part of the fraud committed on the petitioner.

21. List on 29.07.2026.

JASMEET SINGH, J

MARCH 25, 2026/sp