

GAHC010063962021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2886/2021

NIREN CHANDRA NATH
S/O LATE KANTI RAM NATH, R/O CHANGSARI, P.S. CHANGSARI, DIST.
KAMRUP (R), ASSAM, PIN 781101

VERSUS

CHAIRMAN, SBI AND 4 ORS
CORPORATE CENTRE, SBI BHAVAN, MADAM LAMA ROAD, BOMBAY
400021

2:GENERAL MANAGER (NETWORK-1) SBI

LOCAL HEAD OFFICE
G.S. ROAD
ASSAM
SACHIVALLYA
DISPUR
GUWAHATI 6

3:DEPUTY GENERAL MANAGER AND CFO (B AND O)
STATE BANK OF INDIA
ADMINISTRATIVE OFFICE
DIBRUGARH 786003

4:BRANCH MANAGER

SBI TAMULPUR BRANCH
DIST. BAKSA
ASSAM
PIN 781367

5:PALLAV BHATTACHARJEE

NODAL OFFICER
STATE BANK OF INDIA
MISSION CHARALI
SONITPUR
PIN 78450

Advocate for the Petitioner : MR. R C SAIKIA

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

07.09.2021

Heard Mr. R. C. Saikia, learned counsel for the petitioner.

The petitioner possessed an ATM card of State Bank of India with regard to his account in the said bank. Some unscrupulous persons hacking his said ATM card, has fraudulently withdrawn an amount of Rs.4,13,000/- and he informed the same to the General Manager of the local Head Office of the State Bank of India by filing necessary complaint which was registered as Complaint No.0498/2017-18.

The Banking Ombudsman for North Eastern States by its decision dated 30.11.2017 decided to return the entire amount of Rs.4,13,000/- to the account of the petitioner which was communicated to him by the authorities of the Reserve Bank on 07.12.2017.

But the authorities of the respondent bank, by communication dated 20.04.2018, granted approval for restoration of only an amount of Rs.69,023/- in favour of the petitioner and expressed their inability to pay the remaining amount of Rs.3,97,868/-. In that regard, the petitioner has

placed a communication dated 20.04.2018 written by the Deputy General Manager, CFO, SBI to the Deputy General Manager (B & O), SBI Administrative Office, Dibrugarh.

Being aggrieved with such action of the respondent bank, the petitioner has preferred this writ petition.

Issue notice, returnable by 28.10.2021.

Petitioner shall take steps for service of notice on respondent Nos.1 to 5 by registered post with A/D on or before 10.09.2021, providing their proper and correct addresses with requisite postal stamps.

It is made clear that pendency of this petition shall not be a bar for the respondent banks to repay the amount in the account of the petitioner in terms of the Banking Ombudsman's decision dated 07.12.2017 and as per his entitlement.

List accordingly.

JUDGE

Comparing Assistant