HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 429/2026

Ashwani Kumar Sharma S/o Bhagwati Prasad Sharma

----Petitioner

Versus

State Of Raj. and ors.

----Respondents

For Petitioner(s)	:	Mr. Saurabh Sharma with Mr. Manish Lawaniya
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

<u>Order</u>

<u>13/01/2026</u>

1. Vide order dated 12.01.2026, this Court issued notice to respondent No.5. Despite service of notice, nobody has put in appearance on behalf of respondent No.5.

2. Learned counsel for the petitioner submits that the petitioner is a victim of cyber fraud, as a sum of Rs.59,785/- and Rs.1,49,733/- each were debited from the RBL Bank credit card of the petitioner on 27.12.2025 at 1:27 P.M. without the petitioner having made any transaction.

3. On getting the knowledge about the said cyber crime, the petitioner immediately reported to his bank on 27.12.2025 at 1:52 P.M. through e-mail, stating the details of cyber crime that had occurred, but no requisite actions were initiated by the respondent-Bank in terms of circular issued by the Reserve Bank of India dated 06.07.2017, which reads as under:-

"Limited Liability of a Customer

(a) Zero Liability of a Customer

6. A customer's entitlement to zero liability shall arise where the unauthorised transaction occurs in the following events:

(i) Contributory fraud/ negligence/ deficiency on the part of the bank (irrespective of whether or not the transaction is reported by the customer).

(ii) Third party breach where the deficiency lies neither with the bank nor with the customer but lies elsewhere in the system, and the customer notifies the bank within three working days of receiving the communication from the bank regarding the unauthorised transaction.
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Reversal Timeline for Zero Liability/ Limited Liability of customer
9. On being notified by the customer, the bank shall credit (shadow reversal) the amount involved in the unauthorized electronic transaction to the customer's account within 10 working days from the date of such notification by the customer (without waiting for settlement of insurance claim, if any). Banks may also at their discretion decide to waive off any customer liability in case of unauthorized electronic banking transactions even in cases of customer negligence. The credit shall be value dated to be as of the date of the unauthorized transaction."

4. He further submits that as per the said circular, there is a zero liability of the customer in such unauthorized electronic transactions from the customer's account that is made, then the concerned bank shall credit shadow reverse amount in customer's account within ten days from the date of such notification.

5. Despite intimating the bank within three working days since the respondent-bank has not taken due steps and now the concerned Bank has served notice for recovery of the said amount. He further submits that he has also agitated the issue in the Office of Ombudsman, Reserve Bank of India, which is still pending under consideration. Yet the respondent No.5-Bank is threatening the petitioner from taking coercive action for recovery of Rs.59,785/- as well as Rs.1,49,733/- along with the interest.

6. In that view of the matter, list this case on 03.02.2026.

7. Till next date of hearing, the respondents No.5 is restrained from taking coercive steps for recovery from the petitioner.

(MANEESH SHARMA),J

SOURAV /229-S