
(2017) 02 DEL CK 0283

In the Delhi High Court

Case No : 1153 of 2017

RISHI RAJ

APPELLANT

Vs

PUNJAB & SIND BANK

RESPONDENT

Date of Decision : 10-02-2017

Acts Referred:

Citation : (2017) 02 DEL CK 0283

Hon'ble Judges : Hima Kohli

Bench : SINGLE BENCH

Advocate : Zaryab Jamal Rizvi, Shariq Ansari, Abhilash Attri, Suruchi Aggarwal

Judgement

1. The petitioner has filed the present petition praying inter alia for issuing a writ of mandamus to the respondent/Bank to refund a sum of Rs.81,02,750/- deposited by him along with interest @ 24% from the date of deposit, till realisation.

2. The petitioner claims that in the earlier petition filed by him against respondent/Bank [WP(C) 6584/2008], counsel for the petitioner had stated that he had made a representation to the respondent/Bank for refund of the said amount, but the Bank had not considered it. Accordingly, the respondent/Bank was directed to consider the petitioner's representation and give a response. Learned counsel states that thereafter, the petitioner had submitted a representation on 11.2.2009, but the same was not replied to by the respondent/Bank.

3. Ms. Suruchi Aggarwal, counsel for the respondent/Bank, who appears on advance notice, starts by submitting that the post dated cheque of Rs.1 crores that the petitioner had deposited with the respondent/Bank was dishonoured for "insufficient funds". As for the representation dated 11.2.2009 submitted by the petitioner to respondent/Bank, the same was duly considered and replied to vide letter dated 01.4.2009 dispatched by registered post. She hands over a copy of the aforesaid letter addressed by the respondent/Bank to the petitioner with a

copy furnished to the counsel for the petitioner. The same is taken on record.

4. If the petitioner is aggrieved by the decision conveyed by the respondent/Bank in the said letter then, he is at liberty to seek his remedies, as per law. At that time, the court will examine the plea taken by counsel for the respondent/Bank as to the gross delay on the part of the petitioner in approaching the court for relief.

5. The petition is disposed of along with the pending application