
(2018) 09 CHH CK 0350
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 2598 Of 2018

SBT Spintex Private Limited

APPELLANT

Vs

Bank Of India

RESPONDENT

Date of Decision : 24-09-2018

Acts Referred:

Citation : (2018) 09 CHH CK 0350

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Vivek Chopda

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner has obtained loan from the respondent Bank. The grievance of the petitioner is that the respondent has charged higher amount of interest

than the agreed rate of interest, therefore, the respondent is liable to refund the excess amount to the petitioner.

2. It appears, the matter in issue has arisen out of a loan contract and the petitioner had earlier approached the banking Ombudsman, which had

advised the parties to resolve the dispute amicably. Petitioner's subsequent representation to the Ombudsman has also been disposed of for the reason

that a prior complaint has already been disposed of.

3. The transaction between the parties is arising out of a contract;

any dispute for breach of contract or acting in excess of the terms of the contract would be in the realm of pure civil dispute for which the writ Court

is not entitled to interfere. If the petitioner so desires, it may approach the jurisdictional Civil Court for recovery of the amount of interest allegedly

charged in excess by the respondent Bank.

4. The writ petition is dismissed.