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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8101/2025 & CM APPL. 35427/2025

MANMOHAN KUMAR

.....Petitioner

Through: Mr. Siddharth Batra, Mr. Rhythm
Katyal, Ms. Archana Yadav and Ms.
Shivani Chawla, Advs.

versus

RESERVE BANK OF INDIA AND OTHERS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.05.2025

1. The present petition has been filed by the petitioner seeking following reliefs:

“A) Issue a writ of certiorari for quashing the order dated 31.03.2025 passed by the Respondent No. 2 in complete derogation from the framework established vide RBI Circular No. Dbr.No. Leg.Bc.78/09.07.005/2017-18 Dated 06.07.2017 titled “Customer Protection – Limiting Liability of Customers in Unauthorised Electronic Banking Transactions”; and

B) Issue a writ of mandamus directing the Respondent no. 1 to conduct an independent inquiry into the present matter and in the affairs of the Respondent No. 3 bank for judicious disposal of the complaint against fraudulent transactions in the Petitioner’s bank account; and

C) Issue a writ of mandamus directing the Respondent no. 1 and Respondent no. 2 to further direct the Respondent no. 3 to reverse the debit transactions of the amount fraudulently debited from the petitioner’s bank account.

2. The case set out in the present writ petition is that between 20.12.2024 to 23.12.2024, fraudulently transactions totalling Rs.74,61,990/- were



carried out in the bank account of the petitioner maintained with the respondent no.3/HDFC Bank. It is further the petitioner's case that a virtual debit card was created in the petitioner's name without his consent.

3. It is stated that on 23.12.2024, the petitioner visited the Model Town Branch of respondent no.3/Bank to get his bank statements where he discovered that his registered mobile number and e-mail ID connected to his bank account were changed without his consent or authentication. The bank statements of petitioner's account show the unauthenticated registered e-mail ID as loveofhdfc@gmail.com and mobile number as 18002600/18001600, which is the alleged customer care number of the respondent no.3/Bank.

4. Consequently, the petitioner filed a complaint through e-mail dated 28.12.2024 addressed to the respondent no.3/Bank requesting them to take immediate steps to investigate the matter. Resultantly, respondent no.3/Bank reversed the debit entries worth Rs.74,61,990/- back to the petitioner's account on 08.01.2025.

5. However, the grievance articulated in the present writ petition is that no actual action was taken by the respondent no.3/Bank on the complaint of the petitioner. Rather, the respondent no.3/Bank only kept delaying the matter and misguiding the petitioner by claiming that the issue was under investigation. It is alleged that the respondent no.3/Bank had communicated to the petitioner that the complaint will be resolved by 10.02.2025, however, on 04.02.2025, respondent no.3 unilaterally reversed the previously credited amount of Rs.74,61,990/- to the petitioner's account leaving it with a negative balance of Rs.69,69,134.21/-.

6. Despite petitioner raising concerns for the said action of respondent



no.3, vide response dated 06.02.2025, the respondent no.3 denied there being any deficiency of service on part of the bank and stated that the transactions were duly authenticated vide OTPs and attributed fault to the petitioner.

7. Thereafter, the petitioner filed an official complaint before the respondent no.2/RBI Banking Ombudsman, however, the said complaint was also closed on 31.03.2025 stating that there was no deficiency of service on the part of respondent no.3/Bank.

8. Mr. Siddharth Batra, learned counsel appearing on behalf of the petitioner submits that the respondents are trying to pass the blame to the petitioner while refusing to offer any explanation for the fraudulent creation of a virtual debit card and the unauthorized alteration of the petitioner's registered contact details with the respondent no.3/bank.

9. He submits that the same could only be done with the requisite debit card credentials and OTP based validation that could only be available with the petitioner. He submits that the petitioner never shared such credentials with anyone.

10. In view of the above, issue notice to the respondents, by all permissible modes, returnable on 29.07.2025.

11. Let counter-affidavit be filed within a period of four weeks from the date of service. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

VIKAS MAHAJAN, J

MAY 30, 2025/dss