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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17th February, 2023

+ **CONT.CAS(C) 150/2023**

SARWAR RAZA Petitioner

Through: Ms. Soumya Kumar, Mr. M. R. Shamshad, Mr. Arijit Sarkar, Ms. Shreya Kumar & Md. Waseem Akram, Advocates along with petitioner in person (M-8586873399).

versus

OMBUDSMAN RBI & ANR. Respondents

Through: Mr. Ramesh Babu with Ms. Manisha Singh and Ms. Jagriti Bharti, Advocates for RBI (M-9044581585) Mr. Sanjeev Sindhvani Sidhwani. Sr. Advocate with Ms. Suruchi Suri, Mr. Gaurav Khanna, Mr. Sanjay Kumar, Mr. Sandeep Jain, Ms. Arnika Dixit, Mr. John Koshy, Ms. Mahawar Rajlaxmi & Ms. Megha Ghosh, Advocates for R-2 with Mr. Zuber Khan, Senior Vice President Collections Unit of City Bank (M-9560527498).

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advocates.

(5) **AND**

+ **W.P.(C) 16659/2022 and CM APPL. 52510/2022**

SARWAR RAZA Petitioner

Through: Ms. Soumya Kumar, Mr. M. R. Shamshad, Mr. Arijit Sarkar, Ms. Shreya Kumar & Md. Waseem

Akram, Advocates along with petitioner in person.

versus

OMBUDSMAN RESERVE BANK OF INDIA

& ANR. Respondents

Through: Mr. Ramesh Babu with Ms. Manisha Singh and Ms. Jagriti Bharti, Advocates for RBI.

Mr. Sanjeev Sindhvani. Sr. Advocate with Ms. Suruchi Suri, Mr. Gaurav Khanna, Mr. Sanjay Kumar, Mr. Sandeep Jain, Ms. Arnika Dixit, Mr. John Koshy, Ms. Mahawar Rajlaxmi & Ms. Megha Ghosh, Advocates for R-2 Mr. Zuber Khan, Senior Vice President Collections Unit of City Bank (M- 9560527498.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. Pursuant to the previous order dated 10th February, 2023, Mr. Sanjeev Sindhvani, Id. Sr. Counsel appears for Citibank and submits a fresh affidavit dated 17th February, 2023. It is his submission that the Bank does not have any intention to violate the orders passed by this Court and wishes to tender an unconditional apology. He submits that the following officials, namely-
 - i. Mr. John Koshy (Vice President, Centralised Legal and Regulatory Service Team),
 - ii. Ms. Arnika Dixit (Managing Director, Head Unsecured Product),
 - iii. Mr. Sandeep Jain (Director, Citibank, Head of Collections),
 - iv. Mr. Zuber Khan (Senior Vice President, Collections Unit),

v. Ms. Mahawar Rajlaxmi (Vice President, Collections Unit) and

vi. Ms. Megha Ghosh (Senior Vice President, Legal)

are present in Court either physically or virtually today. As per Mr. Sindhvani, this shows the extent of seriousness with which this matter is being considered within the Bank.

3. It is his submission that all the charges including the penalty and other amounts which have been charged to the Petitioner are to the tune of Rs. 1, 12,825/-(Rupees One Lakh Twelve Thousand Eight Hundred and Twenty Five Only) and that the Bank is willing to reverse all these charges.

4. Ld. counsel for the Petitioner, on the other hand, submits that even as of yesterday, a collection agent on behalf of Citibank had approached the Petitioner, during the morning hours and informed the counsel, who spoke to the said collection agent over the phone, that a sum of Rs.80,000/- would have to be paid in order to close the outstanding amount. The visit of the collection agent alleged by the Petitioner is disputed by Citibank.

5. An e-mail dated 14th February, 2023 is also placed on record by the Petitioner along with certain screenshots which, according to the Petitioner, show that the Petitioner never changed the registered mobile number.

6. Mr. Zuber Khan, (Senior Vice President, Collections Unit) of Citibank submits that the e-mail dated 14th February, 2023 was in response to a RBI query, which is in continuation of a complaint made by the Petitioner to the RBI and that the said response to the RBI has also been copied to the Petitioner.

7. The concerns raised by this Court in the previous order dated 10th February, 2023 are captured below:-

*“6. It is noticed by this Court that in the demand notices which is purportedly signed by the Manager-Customer Service and in the e-mails received from the bank, there is no mention of the individual who is sending these communications. The e-mail dated 13th January, 2023 is from **Service@indiacommunications.citi.com** whereas the e-mail dated 17th January, 2023 is from **CitiAlert.India@citicorp.com**. The demand notice is signed by **Manager-Customer Service**.*

7. Since none of the communications have any individual who can be held responsible for these communications, it is deemed appropriate to direct the General Manager (Credit Card), Division of Citibank who is based in Chennai to remain present in Court on the next date of hearing.

8. In addition, this Court notices that as in the present case, in communications written by Banks to customers, the customers find it extremely difficult, to contact the concerned bank official. In view of the same, the Respondent No.2 shall file an affidavit in this regard as to who was the individual who is in control of the above mentioned e-mail addresses and under whose instructions these e-mails as also the demand notice dated 2nd January, 2023 have been issued. The said affidavit shall be filed by 15th February, 2023.”

8. The above concerns are to the effect that, when the computer generated e-mails are sent to the customers, they have no way of contacting the officials concerned, under whose instructions the said e-mails have been generated and sent.

9. These issues plague banking customers across the industry. Hence, this Court is of the opinion that there ought to be some accountability when e-mails are sent in this manner. Accordingly, let Citibank file an affidavit with the following aspects:-

- i) Whether in the e-mails issued by Citibank to all its customers, the names of the officials concerned along with the e-mail ID of the said officials can be inserted, in order to ensure the accountability of the Bank officials.
- ii) Insofar as the changing of registered mobile numbers etc. is concerned, what is the process of verification that is undertaken before the registered mobile numbers can be changed. Inasmuch as if a registered mobile number is changed, it could also lead to severe misuse of the credit card or other net banking services.
- iii) The helplines in Citibank and the manner in which they are managed.
- iv) The manner in which the collection agents are being appointed for the purposes of collection of outstanding charges/amounts from customers.

Insofar as the Petitioner is concerned, let the Petitioner respond to both the affidavits which have been filed today by way of a common rejoinder so that the same can be considered on the next date of hearing. A Senior Official handling this matter shall join the proceedings on the next date of hearing physically and other officials may join virtually.

10. Ld. counsel for the RBI appears and seeks time to file a reply. Let the reply be filed within four weeks. The RBI shall also file its response on the above mentioned four points.

11. List on 11th April, 2023 on top of board.

PRATHIBA M. SINGH, J

FEBRUARY 17, 2023

MR/rp