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ITEM NO.31

COURT NO.14

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.30677/2024

[Arising out of impugned final judgment and order dated 13-09-2024
in WA No. 364/2022 passed by the Gauhati High Court]

STATE BANK OF INDIA

Petitioner(s)

VERSUS

PALLABH BHOWMICK & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 03-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Sanjay Kapur, AOR
Mr. Surya Prakash, Adv.
Mr. Arjun Bhatia, Adv.
Ms. Shubhra Kapur, Adv.
Ms. Mahima Kapur, Adv.

For Respondent(s)

Mr. Anil Shrivastav, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The Division Bench of the High Court while dismissing the
Intra-Court appeal filed by the Bank has observed in Para 42 as
under:-

"42. Having heard and considered the submissions of the
learned counsel for the parties and after going through the
materials available on record, we are in full agreement
with the learned Single Judge that the online transactions
that took place on 18.10.2021 from the respondent
No. 1/petitioner's Bank account were unauthorized and
fraudulent in nature. No negligence on the part of
respondent No. 1/petitioner could be established by the

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Appellant. Clauses 8, 9 of the RBI Circular dated 06.07.2017 would apply. The respondent No. 1/petitioner will not have any liability."

2. We are in complete agreement with the observations as contained in Para 42 of the impugned judgment referred to above.

3. All that the High Court has said is that the original petitioner who suffered the loss was not negligent in any manner. All transactions relating to the account of the respondent No.1 - herein maintained with the petitioner - Bank were found to be unauthorized and fraudulent. It is the responsibility of the bank so far as such unauthorized and fraudulent transactions are concerned. The Bank should remain vigilant. The Bank has the best of the technology available today to detect and prevent such unauthorized and fraudulent transaction. Further, clauses 8 and 9 respectively of the RBI's Circular dated 6-7-2017 make the position further clear.

4. We also take notice of the fact that within 24 hours of the fraudulent transaction, the customer, i.e., the respondent No.1 - herein brought it to the notice of the Bank.

5. We expect the customers, i.e., the account holders also to remain extremely vigilant and see to it that the O.T.Ps. generated are not shared with any third party. In a given situation and in the facts and circumstances of some case, it is the customer also who could be held responsible for being negligent in some way or the other.

6. In view of the aforesaid, we see no good reason to disturb the impugned order passed by the High Court.

7. The Special Leave Petition is, accordingly, dismissed.

8. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)