

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR

No.77/BM/2022

Dated: 26.12.2022

Syed Asad Kazim Vs Standard Chartered Bank Ltd

Subject: REPRESENTATION FILED BY SYED ASAD KAZIM AGAINST THE ORDER OF THE LEARNED BANKING MOHTASIB DATED 01.03.2022 IN COMPLAINT NO. 2022-1524

Kindly refer to your representation on the above subject addressed to the President in the background mentioned below:-

This representation has been filed by Syed Asad Kazim 29.03.2022 against the order of the learned Banking Mohtasib dated 01.03.2022, whereby it has been held that:

“Hence, in the light of the foregoing your complaint for want of jurisdiction cannot be entertained, accordingly it is closed and consigned to records.”

2. Syed Asad Kazim (the complainant) stated that he applied for a Car Loan to the Dubai Islamic Bank Ltd but it was refused that his name had been appearing in the list of Central Information Bureau (CIB) of the State Bank of Pakistan as alleged defaulter of the Standard Chartered Bank Ltd (SCBL). However, he agitated the matter with the SCBL on 15.01.2008 as he had not availed the Credit Card Facility of the Bank. However, in response to which a Recovery Suit was filed against him titled “Standard Chartered Bank Ltd Vs. Syed Asad Kazim” (Suit No.103/2008) in the Lahore Banking Court No.III alleging that he had taken a Credit Card Facility from the Bank and he failed to clear the liabilities. The Suit was dismissed on 30.03.2015 on the grounds that no credit facility had ever been availed by the complainant. However, later the Bank filed an appeal against the Order vide RFA No.757/2015 in the Lahore High Court which too was dismissed on 24.09.2020. Despite the Superior Courts’ verdicts in his favour and his continuous efforts in this regard, the Bank did not clear his Consumer Information Report and Individual Credit Report. Thus, he escalated his complaint with the learned Banking Mohtasib for redressal of his grievances.

3. The Bank’s response before the learned Banking Mohtasib was that the said customer Syed Asad Kazmi had availed Credit Card Facility and committed willful default in repayment of outstanding liability. The Bank had filed a Suit for recovery of PKR 202,097.76 under the title of “Standard Chartered Bank Ltd Vs Syed Asad Kazim” bearing Suit No.103/2008, which was dismissed on the basis of technical grounds through order dated 30.03.2015. Then, the Bank filed RFA against the order dated 30.03.2015, which was also dismissed due to non-prosecution vide dated 24.09.2020. However, said RFA was yet to be decided on merits.

4. Thus, the learned Banking Mohtasib proceeded to close the complaint as per above mentioned order which is assailed by the complainant.

5. The hearing of the case was fixed for 13.12.2022. Syed Asad Kazmi complainant himself has appeared, whereas, Ms. Aaliya Zareen Abbasi, Advocate and Ms. Naeema Qadir, Advocate have represented the Bank.

6. When despite courts orders, the Bank did not remove his name from defaulters list, he escalated his complaint with the learned Banking Mohtasib for redressal of his grievances. However, the learned Banking Mohtasib summarily closed the complaint even without affording the complainant an opportunity of hearing, vide order dated 01-03-2022 as follows:

“After reviewing the documents & complaint submitted by you it is noted your reported issue has already been dismissed in the Court of Lahore Banking Court No.III bearing Suit No.103/2008.

Please note that the Institution of Banking Mohtasib Pakistan is governed by the Banking Companies Ordinance (BCO), 1962 and in terms of Section 82C, the Banking Mohtasib Pakistan does not have any power to issue an order in the nature of a stay order or to entertain any complaint if the matter is pending before a court or other legal forum.

Hence, in the light of the foregoing your complaint for want of jurisdiction cannot be entertained, accordingly it is closed and consigned to records.”

The prime contention of the petitioners is that such order has been made without hearing him. Suffice it to observe that the settled principle is that no one should be condemned unheard. Further, had the complainant been afforded an opportunity of hearing before rejection of the complaint, the outcome thereof might have been different.

7. It may be appreciated that in order to record the conclusion as to any maladministration, the learned Banking Mohtasib is vested with vast powers to investigate the matter. It could hold inquiry to decide the complaint. It is thus a fit case to be investigated by the learned Banking Mohtasib by himself in terms of powers vested in him by law i.e. S.82-A, 82-B, 82-D to 82-F of the Ordinance. Hence, the complaint needs to be decided in accordance with law after giving due opportunity of hearing to the parties. The closure of the complaint, thus, is liable to be set aside/reversed.

8. Accordingly, the Hon'ble President, as per his decision above, has been pleased to accept the representation, set aside the closure findings with the direction to the learned Banking Mohtasib to process, enquire and deal with the complaint of the complainant/petitioner in accordance with law after affording an opportunity of hearing to the parties.

-Sd/-
(Muhammad Saleem)
Director (Legal)

Syed Asad Kazim,
32-A-II Main Gulberg, **Lahore**

The President/ Chief Executive,
Standard Chartered Bank,
Head Office I.I Chundrigar Road,
Karachi

Copy for information to:

- (1) Ms. Samreen Tanveer, PSO to Banking Mohtasib Pakistan, Banking Mohtasib Pakistan Secretariat, 5th Floor Shaheen Complex, M.R. Kiyani Road, Karachi.
- (2) Raja Adil Khan, Manager, Client Experience, Standard Chartered Bank Ltd, 1st floor, Client Care Unit, I.I. Chundrigar Road, **Karachi 0300-9239770**
- (3) Master file.

-Sd/-
(Muhammad Saleem)
Director (Legal)

