

GAHC010068462023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1827/2023

PANKAJ MAJUMDAR
S/O LATE NITYANANDA MAJUMDER, R/O FLAT NO. 1-D SUNDARAM
APARTMENT, TRIPURA ROAD, JAYANAGAR CHARIALI, BELTOLA
GUWAHATI-781028, DIST-KAMRUP (M), ASSAM

VERSUS

UNION OF INDIA AND 5 ORS.
REPRESENTED BY SECRETARY TO THE MINISTRY OF FINANCE 3RD
FLOOR, JEEVAN DEEP BUILDING SANSAD MARG, NEW DELHI, DELHI-
110001

2:GOVERNOR
RESERVE BANK OF INDIA
MAIN BUILDING
PO BOX-901 SAHID BHAGAT SINGH ROAD
MUMBAI-400001

3:CHAIR PERSON
STATE BANK OF INDIA
HEAD OFFICE STATE BANK BHAVAN MADAM CAMA MARGE
MUMBAI-400021

4:MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER (MD AND CEO)
SBI CARDS AND PAYMENTS SERVICES LIMITED
DLF INFINITY TOWERS
TOWER C 12TH FLOOR
BLOCK-2
BUILDING-3
DLF CYBER CITY GURGAON-122002 HARYANA
INDIA

5:MANAGING DIRECTOR
TRANS UNION CIBIL LIMITED
ONE WORLD CENTER
TOWER 2A 19TH FLOOR
SENAPATI BAPAT MARG
ELPHINSTONE ROAD
MUMBAI-400013

6:OMBUDSMAN
OFFICE OF BANKING OMBUDSMAN RESERVE BANK OF INDIA
PANBAZAR
KAMRUP (M)
ASSAM
GUWAHATI-0

Advocate for the Petitioner : MR. L P NATH

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.06.2024

Heard Mr. L.P. Nath, learned counsel for the petitioner. also heard Mr. K. Das, learned counsel for the respondent no.3 and Mr. R. Chakravarty, learned counsel for the respondent no.5.

2] This writ petition is filed by the petitioner praying for a direction to the respondents to cancel the State Bank of India (SBI) Credit Card bearing No.6530039664989104 issued by the respondent no.4 to the petitioner and with a further prayer for a direction to the respondent no.5 to remove the adverse impact of the said SBI Credit Card on CIBIL Trans Union Score provided by

respondent no.5 after cancellation of the said Credit Card by the respondent no.4. The petitioner has also prayed before this Court that the respondent no.5 may be directed to provide the new CIBIL Score instantly to the petitioner and to publish it after removing the adverse score on the said Credit Card of the petitioner.

3] The petitioner before this Court is aggrieved that the Credit Card bearing No.6530039664989104 issued by the respondent no.4 reflects dues to the said Credit Card statements and therefore, the CIBIL score which is maintained by the respondent no.5 reflected adverse scores on the writ petitioner. Learned counsel for the petitioner submits that the dues reflected in the said Credit Card are not supposed to be paid by the petitioner. The petitioner claims to be a reputed businessman of the State and undertakes various construction works and as such, adverse CIBIL score has the effect of altering his financial credibility before the financial institutions and therefore, he has come before the Court with the prayers made.

4] Upon hearing the learned counsel for the parties, this Court is of the view that the primary claim of the writ petitioner is a claim for damages, and for a direction to the respondent No.5 to alter the CIBIL Score of the petitioner in respect of his credit card score.

5] Considering the prayers made and the issues involved in the writ petition, this Court does not find it as an appropriate case to invoke the writ jurisdiction under Section 226 of the Constitution of India as there are disputed questions of facts raised in this petition without the required evidence that will be required to arrive at a conclusion to decide these issues.

6] At this stage, after arguing the matter at some length, learned counsel for the petitioner prays before this Court seeking liberty to withdraw the writ petition. However, he submits that he may be granted liberty to approach a competent Court of civil jurisdiction to file a suit for damages and claim other reliefs as may be so advised.

7] In view of the prayers made by the learned counsel for the petitioner, the writ petition stands dismissed on withdrawal. However, liberty is granted to the petitioner to approach the competent Court of civil jurisdiction to avail remedy as permitted under the law.

JUDGE

Comparing Assistant