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

\+ **W.P.(C) 9483/2017**

VED PRAKASH GUPTA ..... Petitioner

Through: Mr. Mukesh M. Goel, Advocates.

versus

MINISTRY OF FINANCE & ORS ..... Respondents

Through: Mr. Kirtiman Singh & Mr. Prateek Dhanda, Advocates for R-1.
Mr. K.S. Parihar & Mr. H.S. Parihar, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE PRATHIBA M. SINGH

O R D E R

% **30.10.2017**

CM APPL. 38574/2017 (Exemption)

Allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 9483/2017 & CM APPL. 38573/2017 (direction)

Mr. Ved Prakash Gupta, the petitioner has made the following prayers:

> " *It is, therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to issue writ, order or directions in the nature of mandamus or any other appropriate writ, order or direction thereby quash the Credit Information Companies (Regulations) Act, 2005, the Credit Information Companies Rules, 2006 and Credit Information Companies Regulations 2006 and guidelines issued by RBI from time to time being ultra-virus in the interest of justice.*
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> *It is further prayed that in alternative, this Hon'ble Court may kindly be pleased to direct the respondent no. 1 and 2 to roll down necessary*

guidelines their providing the sufficient safeguard to the borrowers/customers of the Banks and Financial Institution including the Petitioner."

2. The petitioner has challenged the Credit Information Companies (Regulations) Act, 2005 - i.e., the entire enactment itself. The petitioner has also challenged the Credit Information Companies Rules, 2006 and the Credit Information Companies Regulations, 2006 - i.e., the entire Rules and Regulations.

3. In the alternative, the petitioner has prayed that directions may be issued to the respondent nos.1 & 2, i.e., Ministry of Finance and Reserve Bank of India, to lay down necessary guidelines for providing sufficient safeguards to borrowers/customers of Banks and Financial Institutions including the Petitioner.

4. Section 21 of the aforestated Act provides that any person, who applies for grant of sanction of credit facility from any credit institution, may request such institution to furnish a copy of the credit information obtained by such institutions from the credit information company. As per sub-section 2 of Section 21, every credit institution shall, on receipt of request under sub-section (1), furnish to the person a copy of the credit information subject to payment of such charges, as may be specified by regulations, by the Reserve Bank in this regard. Sub Section 3 deals with the updation of information. The first proviso stipulates that the specified user can make an application for correction, deletion or addition in credit information only after such correction, deletion or addition has been certified as correct by the concerned credit institution. As per the second proviso no such correction, deletion or addition can be made in the credit

information if the dispute relating to any such correction, deletion or addition is pending before any Arbitrator, Tribunal or Court.

5. On the other hand the counsel for the Respondent has relied upon Clause 19 of the Regulations framed under the Credit Information Companies (Regulation) Act, 2005, which provides remedies for individuals to approach the Reserve Bank of India, if they have any complaints against credit information companies or credit institutions.

6. Thus, the petitioner's grievance, if any, is in respect of the two provisos. Interpretation of the two provisos may be required. Without expressing any opinion on the scope and interpreting the provisos, it would be appropriate for the petitioner to challenge the provisos specifically by filing an appropriate writ petition. We are not inclined to entertain the present writ petition which has an omnibus and broad prayer. The petitioner could well consider to avail the remedy under clause 19 of the Regulations, if the petitioner deems appropriate.

7. In view of the above, we are not issuing notice in the present writ petition, and give liberty to the petitioner to file appropriate writ petition.

SANJIV KHANNA, J

PRATHIBA M. SINGH, J

OCTOBER 30, 2017
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