IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-28150-2018

Date of Decision: 1.11.2018

M/s GRS Healthcare Pvt. Ltd., Chandigarh

...Petitioner

Versus

Canara Bank

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

PRESENT: Mr. Anand Chhibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondent to update the record of Credit Information Bureau India Ltd. (CIBIL and other Banking Credit Official Sites)/Experian/Equifax as the petitioner had cleared the outstanding amount as per the One Time Settlement (OTS) and the respondent had issued NOC in its favour.

2. In the year 2008, the petitioner requested the respondent for grant of various financial facilities and executed various documents in favour of the respondent. Due to higher rate of interest on the term loan facilities and the dispute with the landlord of the premises, the petitioner ran into financial crisis and wrote a letter to the respondent for restructuring of loan obligations and to reduce its interest rate. Since, the petitioner had failed to pay the loan amount and interest, the respondent issued a notice

under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 raising demand of ₹ 5,92,89,413/- which was later on withdrawn. Thereafter, the respondent filed OA before the Debts Recovery Tribunal (in short "the Tribunal") for recovery of its outstanding. The petitioner appeared before the Tribunal and filed reply to the said OA. During the pendency of the said OA, the petitioner entered into OTS (Annexure P-1) with the respondent to pay off its dues. Thereafter, the petitioner made the total payment in terms of the OTS and the respondent had issued 'No Dues Certificate' dated 24.1.2014 and 3.3.2016 (Annexure P-2) to the petitioner. The petitioner was shown as defaulter in the record of CIBIL and other Banking Credit Official Sites Experian/Equifax as is clear from Annexure P-3. Vide letters/reminders dated 6.3.2014 and 26.12.2014 (Annexure P-4 Colly), the petitioner requested the respondent to update the record of CIBIL and other Bank Credit Official Sites. Thereafter, the Chief Manager, Canara Bank, vide e-mail dated 5.2.2015 (Annexure P-5) informed the petitioner that the matter was taken up by the Branch with the CIBIL and its name was not appearing in the CIBIL. However, nothing was done. Accordingly, the petitioner sent a legal notice dated 8.9.2018 (Annexure P-6) to the respondent and others for removing its name from the CIBIL and other Banking Credit Official Sites Experian/Equifax, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 8.9.2018 (Annexure P-6) upon the respondent and others, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent to take a decision on the legal notice dated 8.9.2018 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 1, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned **Yes/No**

Whether Reportable **Yes/No**