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

\+ LPA 379/2019

PUNJAB NATIONAL BANK ..... Appellant

Through: Mr.Sanjay Bajaj and Mr.Ajay Bahal, Advocates.

versus

SHIV SEWAK SINGH & ORS ..... Respondents

Through: None.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE TALWANT SINGH

<u>O R D E R</u>

% 28.05.2019

1. The appellant/Punjab National Bank (PNB) is aggrieved by a judgment dated 17.09.2018, passed in a writ petition filed by the respondent No.1/petitioner (W.P.(C) No.2114/2018) impugning, *inter alia,* Consumer Credit Reports dated 08.09.2017 and 01.02.2018 uploaded on the website of the respondent Nos.2 and 3, indicating that he is jointly indebted for loans advanced by the appellant/Bank for debts overdue.

2. By the impugned judgment, the learned Single Judge has allowed the writ petition filed by the respondent No.1 and directed the respondent Nos.2 and 3 to remove reference to the loans advanced by the appellant/Bank to an entity by the name of Rai Bareli Highway Private Limited (in short RAHPL), a Special Purpose Vehicle created by a Consortium formed by two legal entities. The petitioner happens to be a Director in one entity and a share-holder in the SPV. We may note that the said order was passed after the Court had confirmed from the counsel for the appellant/bank that the respondent No.1/petitioner had not been declared as a wilful defaulter and no proceedings in this regard had been conducted so far.

2. Learned counsel for the appellant/Bank states that while passing the impugned judgment, the learned Single Judge failed to take into

consideration the fact that the Circulars issued in respect of the petitioner, were pursuant to directions issued by the RBI, in terms of a Circular dated 15.07.2014, that deals with *"Data Format for Furnishing of Credit Information Companies and other Regulatory Measures".*

3. We have pointedly asked learned counsel for the appellant/Bank to clarify as to whether the captioned Circular was brought to the notice of the Single Judge. He concedes that the said Circular was neither filed by the Bank alongwith its counter affidavit nor was it referred to at the time of addressing arguments.

4. That being the position, the appellant/Bank has none else to blame but itself for the omission. Once, the appellant/Bank admits to the fact that it failed to bring the captioned Circular to the notice of the learned Single Judge, this plea taken so belatedly, cannot be treated as a ground to interfere with the impugned judgment.

4. At this stage, learned counsel for the appellant/Bank states that instead of pressing the present appeal, he may be permitted to withdraw the same and file an appropriate application before the learned Single Judge, for bringing the aforesaid Circular and its effect to the notice of the Court.

5. Leave as prayed for, is granted. The appeal is disposed of alongwith the pending applications.

HIMA KOHLI, J

TALWANT SINGH, J

MAY 28, 2019/*mr*