$~3

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

\+ **<u>W.P.(C) 13179/2018 & CM 51146/2018</u>**

PRAKASH KEJRIWAL ..... Petitioner

Through Mr Abhishek Saket, Mr S. Farah, Mr Rahul Dubney, Mr Chitral Gambhir Mr Pranav Gupta, Advocates.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through Mr Abhinav Mukerji, Mr Siddharth Garg, Advocates for R3.
Mr Manu Beri, Mr Varun Varma, Advocates for R4.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

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

% 09.01.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no. 3 (Axis Bank Ltd.) and respondent no. 4 (Transunion CIBIL) to remove the adverse report against the petitioner. The petitioner further prays that directions be given to respondent no. 3 to compensate the petitioner for breach of privacy and personal liberty.

2. Insofar as the direction regarding adverse reporting against the petitioner is concerned, the learned counsel for the petitioner states that the said grievance stands addressed as respondent no. 4 has removed the adverse reports against the petitioner. Insofar as the direction to respondent no. 3 to compensate the petitioner is concerned, it would not be apposite to examine

the said dispute in these proceedings as the same involves several disputed questions of fact. The petitioner is, of course, at liberty to file an appropriate action, if so advised.

3. In addition, the petitioner has further prayed that directions be issued to the police officials to investigate the matter as to how confidential and private information of the petitioner, including call details, were obtained by respondent no. 3 or its recovery agents. By an order dated 07.12.2018, this court had clearly expressed that it was not inclined to enter into this controversy and grant any such relief. However, it would be open for the petitioner to file a complaint and take necessary recourse under the Criminal Procedure Code, 1973, if such a complaint was not registered.

4. The petitioner has also prayed that directions be issued to respondent no. 2 (Reserve Bank of India) to set out the framework for Consumer Protection in case of fraudulent transactions. This court is informed that such guidelines already exist hence no further orders are required to be passed in this regard. Clearly, if a person is aggrieved by non adherence to the said guidelines, the said person is at liberty to take such recourse, as available in law.

5. The petition is disposed of with the aforesaid observations.

6. The pending application is also disposed of.

VIBHU BAKHRU, J

JANUARY 09, 2019

pkv