IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.11074 of 2018
and
W.M.P.No.12982 of 2018

S.Meganathan .. Petitioner

..Vs..

1.Trans Union CIBIL Limited,
(Formerly Known as Credit Information
Bureau (India) Limited)
One India Bulls Centre,
Tower-2A, 19 th Floor,
Senapati Bapat Marg, Lower Parel,
Mumbai-400 013.

2.The Reserve Bank of India,
Rep. by its Assistant General Manager,
Department of Banking Operations & Development,
13 th Floor, Central Office Building, Fort,
Mumbai-400 001.

3.The Central Bank of India,
Rep. by its Chief Manager,
Assets Recovery Branch,
No.48/49m Montieth Road, Egmore,
Chennai-600 008.
(R-3 impleaded as per Court order dated 08.08.2019
in W.M.P.No.22859 of 2019 by PDAJ) .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to delete the name of the petitioner from the defaulters list maintained by CIBIL/RBI with effect from 27.05.2008, pursuant to the letter dated 27.12.2016 written by the Central Bank of India, Asset Recovery Branch, Egmore, Chennai 600 008 to the first respondent.

For Petitioner : Ms.Kodhai
For Respondent : Mr.S.Partha Sarathy for R1
Mr.C.Mohan for R2

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents herein to delete the name of the petitioner from the defaulters list maintained by CIBIL/RBI with effect from 27.05.2008, pursuant to the letter dated 27.12.2016 written by the Central Bank of India, Asset Recovery Branch, Egmore, Chennai 600 008 to the first respondent namely, trans Union CIBIL Limited, (Formerly Known as Credit Information Bureau (India) Limited), One India Bulls Centre, Tower-2A, 19th Floor, Senapati Bapat Marg, Lower Parel, Mumbai-400 013.

2.The petitioner has filed the W.M.P.No.22859 of 2019 to implead The Central Bank of India, Rep. by its Chief Manager, Assets Recovery Branch, No.48/49m Montieth Road, Egmore, Chennai-600 008 and the same was ordered on 08.08.2019.

3.In the affidavit filed in support of the writ petition, it is stated that an erstwhile Director of the company, M/s.Nortan Polymer Limited, which was having its office at No.699 700, Poonamalle High Road, Kumbhat Complex, Aminjikarai, Chennai-600 029, had availed certain financial facilities from the Central Bank of India, Anna Nagar Branch, Chennai. Subsequently, the said company had entered into a compromise settlement with the Central Bank of India, pursuant to which a sum of Rs.1,08,69,000/- was paid as full and final settlement of the loans. The bank had also filed full satisfaction Memo dated 12.05.2008 with the Registrar of DRT-II, Chennai, confirming the receipt of payment of the entire amounts relating to the loan accounts. Thereafter, on 27.05.2008, the DRT-II, Chennai had recorded the full satisfaction memo filed by the bank and closed the DRC Proceedings. Even then, the petitioner's name has not been not deleted from the defaulters list. Hence, the present writ petition has been filed.

4.The learned counsel for the petitioner stated that though the petitioner had settled the entire loan amount, till date, his name is found in the defaulters list maintained by CIBIL/RBI with effect from 27.05.2008.

5.The first respondent had filed an additional affidavit during the course of the hearing and the relevant portion is extracted hereunder:-

"I say that the respondent No.1 received a soft copy of a letter dated 27th December 2016 vide an email dated first February 2017 from Central Bank of India instructing the respondent No.1 to delete the name of Norton Polymers Limited from the wilful defaulters list that is maintained by respondent No.1. Accordingly, as is a process between the respondent No.1 and its member credit institutions, the respondent No.1 stopped reporting the name of M/s.Norton Polymers Ltd., and its director from our suit filed database for the quarter ending December 2016. The respondent No.1 confirms that the last reporting of Norton Polymers Ltd. is for the quarter ending September 2016."

6.The Additional affidavit filed on behalf of the first respondent, where in it is stated that the first respondent stopped reporting the name of M/s.Norton Polymners, Ltd, and its directors from the quarter ending December 2016 is recorded.

7. Without expressing any opinion on the merits of the case and also considering the facts and circumstances of this case, this Court is inclined to issue direction to the respondents, to delete the name of the petitioner from the defaulters list after verifying the records maintained by CIBIL/RBI with effect from 27.05.2008 on or before 29.02.2020 and liberty is granted to the petitioner to file a fresh petition if the name is continued in the defaulters list maintained by CIBIL/RBI.

With the above directions the writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant General Manager,
Reserve Bank of India,
Department of Banking Operations & Development,
13 th Floor, Central Office Building, Fort,
Mumbai-400 001.

2.The Chief Manager,
Central Bank of India,
Assets Recovery Branch,
No.48/49m Montieth Road, Egmore,
Chennai-600 008.

+1cc to M/s.King & Partridge, Advocate sr.9110
+1cc to Mr.S.Partha Sarathy, Advocate sr.9397
+1cc to M/s.Waraon & Sai Rams, Advocate sr.8661

W.P.No.11074 of 2018

vba(co)
nr 05/03/2020