

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2016 OF 2021

Vijay Kumar Agrawal

..Petitioner

Versus

State Bank of India and Ors.

..Respondents

Mr. Sachin Mandlik a/w Ms. Kareena Tahilramani, Mr. Ankit Tripathi i/by
Mandlik & Partners, for the Petitioner.

Mr. R. J. Singh, Advocate for Respondent No.1.

Ms. Carina Xavier, Advocate for Respondent No.3 – Union of India.

Mr. Digant Bhatt a/w Ms. Juhi Shah i/by I. V. Merchant & Co., for
Respondent No.7.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.

DATE : 11th OCTOBER, 2021

P.C.

Heard Mr. Sachin Mandlik, learned counsel for the petitioner
and Mr. R. J. Singh, learned counsel for respondent No.1 – State Bank of
India.

2. This petition under Article 226 of the Constitution of India
has been filed assailing the orders dated 21.08.2020 and 01.06.2021 issued
by the Deputy General Manager, State Bank of India including the
petitioner's name as willful defaulters in the Credit Information Companies
(CICs) list of willful defaulters.

3. Basic grievance of the petitioner is that before inclusion of his
name in the list of willful defaulters, personal hearing was not granted to
him. In this connection, he has relied upon Master Circular dated

(8) -WP-2016-21.doc.

01.07.2015 issued by Reserve Bank of India which was taken note of by this Court in the previous order dated 04.08.2021.

4. Learned counsel for respondent No.1 has tendered reply affidavit in Court which we have accepted.

5. Let the said reply affidavit be kept as part of the record.

6. In paragraph 13 of the reply affidavit, we find that personal hearing was fixed on 30.03.2020 which was intimated to the petitioner vide letter dated 19.03.2020. However, this letter was received by the petitioner on 09.05.2020 after the date for personal hearing was over.

7. Thus notice of personal hearing was not received by the petitioner before the date of such hearing. Consequently, he could not be present on the hearing date. Having regard to the above, we are of the view that petitioner ought to have been granted a personal hearing before impugned action was taken. Consequently, we set aside the two orders dated 21.08.2020 and 01.06.2021. The matter is remanded back to respondent No.1 for taking a fresh decision in accordance with law after giving due opportunity of hearing to the petitioner.

8. Let the petitioner appear before the Deputy General Manager, State Bank of India, Bhopal on 16.11.2021 at 10.30 a.m..

9. Writ petition is accordingly disposed of.

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PANCHAL
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MADHAV J. JAMDAR, J

UJJAL BHUYAN, J