IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 26TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A.No. 485 of 2021

In the matter of Arbitration & conciliation Act 1996.
and
In the matter of dispute between Kirankumar Moolchand Jain and TransUnion CIBIL Ltd. & The Cosmos Co-operative Bank Ltd.
And
(Statutory Arbitration under section 18 Credit Information Companies (Regulation) Act, 2005)

Mr.Kirankumar Moolchand Jain,
15, Ragavaiah Road, 3A, Kenses Flats,
2nd Floor, T.Nagar,
Chennai – 600 017. . . . Petitioner

Versus

1. TransUnion CIBIL Ltd.,
   Formerly : Credit Information Bureau [India] Ltd.,
   One Indiabulls Centre,
   Tower 2A, 19th Floor,
   Senapati Bapat Mart, Elphinstone Road,
   Mumbai – 400 013.

2. The Cosmos Co-operative Bank Ltd.,
   Represented by its Authorised Signatory,
   General manager, Mr.Sanjay S.Sawant,
   Having registered Office at 6, ICS Colony,
   University Road, Ganeshkhind

Shivaji Nagar, Pune – 411 007.

3. Reserve Bank of India,
Rep. by its Regional Director,
Fort Glacis, 16, Rajaji Salai,
Chennai – 600 001. . . . Respondents

Original Petition praying that this Hon'ble Court be pleased to pass an order of Interim Injunction restraining the 1st Respondent from continuing to publish the incorrect credit rating information data pertaining to the Applicant.

This Original Application coming on this day before this court for hearing in the presence of Mr.AR.L.Sundaresan, Senior Counsel for Mr.Akhil R.Bhansali, Advocate for the Applicant herein and Mr.Varun Srinivasan for M/s.NVS Associates, Advocates for the 2nd respondent herein and the respondents 1 & 3 herein not appearing in person or by advocate and upon reading the Judge's Summons and the affidavit of Kirankumar Moolchand Jain filed herein and, it is ordered as follows:-

That TransUnion CIBIL Ltd., formerly : Credit Information Bureau [India] Ltd., the 1st respondent herein be and is hereby restrained by an order of interim injunction from continuing to publish incorrect credit rating information data pertaining to the applicant.

2. That the applicant herein shall invoke arbitration proceedings within a period of 90 days.

3. That this O.A.No.485 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 26TH DAY OF AUGUST 2021.

Sd/-
ASSISTANT REGISTRAR (Comm. Cases)
//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK
07/09/2021

O.A.No. 485 of 2021

ORDER

DATED : 26.08.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 08/09/2021

APPROVED ON: 13/09/2021

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

O.A.No.485 of 2021

Mr.Kirankumar Moolchand Jain . . . Petitioner

Versus

1. TransUnion CIBIL Ltd.,
   Formerly : Credit Information Bureau [India] Ltd.,
   One Indiabulls Centre, Tower 2A, 19th Floor,
   Senapati Bapat Mart, Elphinstone Road,
   Mumbai – 400 013.

2. The Cosmos Co-operative Bank Ltd.,
   Represented by its Authorised Signatory,
   General manager, Mr.Sanjay S.Sawant,
   Having registered Office at 6, ICS Colony,
   University Road, Ganeshkhind
   Shivaji Nagar, Pune – 411 007.

3. Reserve Bank of India,
   Rep. by its Regional Director,
   Fort Glacis, 16, Rajaji Salai,
   Chennai – 600 001. . . . Respondents

PRAYER : Petition filed under Order XIV Rule 8 of the O.S.Rules and Read with Section 9[d] of Arbitration and Conciliation Act, 1996 for interim injunction restraining the 1st respondent from continuing to publish the incorrect credit rating information data pertaining to the Applicant.

For petitioner : Mr.ARL Sundaresan, SC
for Mr.Akhil R.Bhansali

For respondents : No appearance – R1 & R3

Mr.Varun Srnivasan
for NVS Associates – R2

ORDER

This application has been filed for interim injunction as against the first respondent restraining them from continuing to publish incorrect credit rating information data pertaining to the Applicant.

2. Notice has been served on the first respondent. Despite the same, none appeared for the first respondent.

3. The main contention of the learned Senior Counsel appearing for the applicant is that the petitioner has given bank guarantee on 02.03.2016. However, after such guarantee, no amount whatsoever has been disbursed in favour of the principal borrower. As far as the applicant is concerned, CIBIL ratings is always good. Such being the matter, the first respondent, without proper verification, has furnished incorrect details in the CIBIL ratings for the loan said to have been

disbursed on 04.08.2014, i.e., much prior to the date of bank guarantee executed by the applicant herein in favour of the bank. Therefore, it is the contention of the learned Senior Counsel that since the applicant is maintaining very good account rating and there is no default committed by the applicant and due to incorrect particulars furnished by the first respondent, there is serious impact on business of the applicant and it would cause serious and irreparable injury to the applicant.

4. On a perusal of the materials, as rightly pointed out by the learned Senior Counsel appearing for the applicant, it is seen that the guarantee itself is executed on 02.03.2016 and the loan borrowed by the principal borrower was on 04.08.2014, for which the applicants' account is shown as a defaulter, that itself indicate that the first respondent has not verified the accounts properly and casually furnished the details.

5. Having regard to the above facts, particularly CIBIL ratings of the applicant is good, but the incorrect particulars furnished by the first respondent, this Court is satisfied that the applicant has made out prima facie case and balance of convenience is also in favour of the applicant and if the interim injunction is not granted, the applicant will put it

irreparable loss, there shall be an Order of interim injunction as against the first respondent from continuing to publish incorrect credit rating information data pertaining to the Applicant.

6. The applicant shall invoke arbitration proceedings within a period of 90 days.

7. With the above direction, this Original Application is closed.

Sd./-N.S.K.J.
26.08.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.