



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

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WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.3253 of 2020

(Through Video Conference)

S.Sekar

.. Petitioner

-Vs-

1.The Commissioner of Income Tax,
Aayakar Bhavan, 2nd Floor,
Main Building,
121, M.G.Road,
Chennai-600 034.

2.M/s.TRANSUNION CIBIL LIMITED,
One India Bulls Center Tower 2A,
19th Floor, Senapati Bapji Marg,
Elphin Stone Road,
Mumbai-400 013.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to update the records of CIBIL correctly and to remove the Loan Account details which were wrongly mentioned in the petitioner's Pan Card number CCOPS0932F within a stipulated period as prescribed by this Court.

For Petitioner : Mr.S.Balaji
For Respondents : Mrs.S.Srimathy
Standing Counsel
for R1
Mr.R.Pon Senthil Kumaran
For R2

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the second respondent to update the records of CIBIL correctly and to remove the Loan Account details, which were wrongly mentioned in the petitioner's Pan Card number CCOPS0932F, within a stipulated period as prescribed by this Court.



2. That the petitioner is working as Sub Inspector of Police in commercial Crime Investigation Wing-CID-(CCIW-CID) of Sivagangai. He obtained a PAN card from the first respondent Income Tax Department on 12.12.2008 and his PAN number is CCOPS0932F. He had furnished the said PAN number to his bank as well as the police Department for getting salary.

3. According to the petitioner, the petitioner is having the SB salary account at State Bank of India, Karaikudi Branch through which he is getting salary every month. In that Bank, with the strength of the said SB account, he had availed some loan like jewel loan in the very same branch of the State Bank of India, like that, the petitioner also availed property loan from the REPCO Bank, Karaikudi Branch.

4. Except these loan accounts or salary accounts at State Bank of India at Karaikudi and REPCO Bank at Karaikudi, the petitioner is not having any account in any Bank or Fiance Institution in the country.

5. When that being so, the petitioner had come to know that the very same PAN number, which was allotted to the petitioner had been mistakenly identified as the PAN number of another man with the same name at Enathur Village, Kanchipuram District and whatever the loan have been obtained by the said person from Enathur village seems to have been reflected in the TRANSUNION CIBIL Limited records, with the result, it has caused some inconvenience to the petitioner, as if, that the petitioner availed more loans from more Banks.

6. In order to rectify the same and to conclude or remove the loan account details, which were wrongly mentioned in the petitioner's PAN No.CCOPS0932F, except the account numbers as mentioned in State Bank of India at Karaikudi and REPCO Bank at Karaikudi, the petitioner had given a representation to the respondents, especially, the second respondent on 26.11.2019. However, the said representation since has not been considered in proper perspective and according to the petitioner, the loan accounts or Bank accounts of another man, that is, one Sekar from Kanchipuram District, since had also reflected in the name of the petitioner with the PAN number of the petitioner in the CIBIL account, in order to get redressal of his grievance, he seeking for a direction to the second respondent to decide the representation of the petitioner, dated 26.11.2019, has approached this Court by filing the present writ petition.



7.Heard Mr.S.Balaji, learned counsel appearing for the petitioner, who, after some hearing, during the last occasions, had filed the additional typeset of documents, where he has given the account details of the petitioner available in the State Bank of India, Karaikudi and REPCO Bank, Karaikudi, however, in respect of the petitioner, except the accounts available in the said two Banks at Karaikudi Branch, no other accounts belongs to the petitioner, and therefore, whatever the remaining accounts shown, as if it belongs to the petitioner in view of the confusion made in the PAN number of the petitioner with the similar name of the petitioner, he has given the details so as to enable the second respondent to rectify the said error in their records. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to issue a direction to that effect to the second respondent.

8.Heard Mr.R.Pon Senthil Kumar, learned counsel appearing for the second respondent, who has filed the counter affidavit and relying upon the same, the learned counsel would submit that, if the petitioner is able to pin point what are all the accounts that are in live insofar as the petitioner is concerned, the same can be taken into account by the second respondent and the remaining accounts, if disowned by the petitioner, as if it does not belongs to him, the needful correction would be undertaken by the second respondent in their records.

9.Heard Mrs.S.Srimathy, learned Standing Counsel appearing for the first respondent, who is a formal party.

10.Insofar as the claim of the petitioner is concerned, except the accounts shown in his name at State Bank of India at Karaikudi Branch and REPCO Bank at Karaikudi Branch, the petitioner does not have any account in any bank or finance through out the country and therefore, whatever the accounts reflected in the name of the petitioner with his PAN number can very well be corrected and rectified by the second respondent, therefore, in that view of the matter, this Court feel that this writ petition can be disposed of by giving a direction to the second respondent to do the needful.

11.In the result, the following orders are passed in this writ petition.

"that there shall be a direction to the second respondent to consider the representation of the petitioner, dated 26.07.2019 and the latest representation dated 23.06.2021 and after verifying the Bank account details given by the petitioner that he is having Bank accounts only in the two branches, that is, State Bank of India at Karaikudi



and REPCO Bank at Karaikudi, the other Bank accounts mistakenly shown in the name of the petitioner with his PAN number can be removed from his CIBIL account within a period of four weeks from the date of receipt of a copy of this order and the rectification to that effect can be communicated to the petitioner thereon."

12. Along with a copy of this order, the petitioner can forward the representation dated 26.07.2019 and fresh representation 23.06.2021 to the second respondent and on receipt of the same, the needful shall be undertaken as indicated above by the second respondent.

13. With these directions, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Commissioner of Income Tax,
Aayakar Bhavan, 2nd Floor,
Main Building, 121, M.G. Road, Chennai-600 034.

+1 CC to M/s.S.PONSENTHILKUMARAN, Advocate (SR-27987[F] dated 02/09/2021)

+1 CC to M/s.S.SRIMATHY, Advocate (SR-27969[F] dated 02/09/2021)

+1 CC to M/s.S.BALAJI, Advocate (SR-27975[F] dated 02/09/2021)

W.P. (MD) No. 3253 of 2020
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RD/PM(12/11/2021) 4P 5C