



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.5475 of 2020

(Through Video Conference)

WEB COPY

A.Ravi

... Petitioner

Vs.

- 1.The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis, Chennai - 600 001.
- 2.The Senior Manager,
UTI Infrastructure Technology and Services Ltd.,
PAN Service Unit,
Plot No.3, Sector-11, CBD Belapur,
Navi Mumbai - 400 614.
- 3.The Assistant Director (Systems),
O/o.the Commissioner of Income Tax (Computer Operations),
Aayakar Bhavan,
M.G.Road,
Chennai - 600 034.
- 4.The Assistant Director (Systems),
O/o.the Chief Commissioner of Income Tax,
No.2, V.P.Rathinasamy Road,
Bibikulam,
Madurai - 625 002.
- 5.The Joint Commissioner,
Income Tax Office,
Government of India,
Railway Feeder Road,
Virudhunagar - 626 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to rectify the repercussion caused to the petitioner's credit score(CIBIL) for allotting his PAN bearing Number AAFPR5862A to another person by considering the petitioner's representations dated 15.03.2019, 08.11.2019 and 01.02.2020 within a stipulated time.

For Petitioner : Mr.D.Srinivasaragavan
For R3 to R5 : Mrs.Srimathy,
Standing Counsel



O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents herein to rectify the repercussion caused to the petitioner's credit score (CIBIL) for allotting his PAN bearing Number AAFPR5862A to another person by considering the petitioner's representations dated 15.03.2019, 08.11.2019 and 01.12.2020 within a stipulated time.

2.The brief facts of the case are as follows:

(i) The petitioner is an income tax assessee and he got PAN number from the third respondent in the year 1997 and his PAN number is AAFPR5862A. The petitioner had submitted his returns for the assessment year 1998-1999 and 1999-2000 by using the above said PAN number. Subsequently, since he was away from India between 04.08.1999 and 14.06.2005, he did not submit any returns for the period starting from the Assessment Year 2000-2001 to 2005-06. Thereafter, from the assessment year 2006-1007 onwards, he has been submitting the returns by using the above said PAN number and the fifth respondent also used to sent notice under Section 143(1) of the Income Tax for the above said PAN number.

(ii) It is the further case of the petitioner that he had his savings bank account with ICICI Bank, Santhome Branch, Chennai bearing SB A/c.No.507411574 and had closed the said account in the month of January, 2020. While so, the ICICI bank debited certain amounts from his account as against the payment due to the Credit Card. Immediately, the petitioner approached the bank and stated that he did not have any Credit Card in the petitioner's name issued by any Bank including ICICI bank. Therefore, the petitioner raised a complaint with the Banking Ombudsman on 15.10.2010. The Banking Ombudsman after thorough enquiry has directed the ICICI bank to credit the money back to the petitioner's bank account. Thereafter, the petitioner verified his Credit Score from Trans Union CIBIL Ltd., and came to know that he suffered unnecessary action from various Financial Institutions. On verification with Trans Union CIBIL Ltd., with regard to such a worst report of Credit Score, I was informed that unless the debts are cleared, there is no possibility for reviewing the Credit Score.

(iii) The grievance of the petitioner is that he never borrowed any money from any bank. Therefore, the petitioner approached ICICI bank with regard to the above said aspect and for that, it was informed by the bank that the petitioner's PAN number namely AAFPR58621 has been allotted to yet another person having his name as RAVE ARUMUGAM. Immediately, the petitioner sent representations to the fifth respondent as well as to the first respondent through representation dated 20.12.2018 and 25.02.2019. The fifth respondent after receiving the representation, had sent a reply to



the petitioner on 28.02.2019 informing that the letter of the petitioner has been forwarded to the fourth respondent. Subsequently, the third respondent also sent an communication on 01.03.2019 stating that the issue was addressed to the Senior Manager, UTI Infrastructure Technology and Services Ltd., PAN Service Unit, Mumbai. In the said communication, it was informed that the original allottee will retain the PAN, the second allottee has to surrender the PAN. Thereafter also the grievance of the petitioner has not been redressed. Hence, the petitioner has made a representation to the respondents 2 to 5 on 15.03.2019, 08.11.2019 and on 01.02.20210. The said representations are said to be still pending. Hence, the present writ petition.

3. The learned counsel for the petitioner would state that the petitioner is suffering a lot because of the wrong allotment of the PAN number to another person and his entire financial transactions have been stalled by citing the bad Credit Score and therefore, a direction may be given to dispose of the representation of the petitioner.

4. The learned standing counsel for the respondents 2 to 5 would submit that the second respondent is the competent authority to dispose of the representation of the petitioner.

5. Heard the submissions made on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Senior Manager,
UTI Infrastructure Technology and Services Ltd.,
PAN Service Unit,
Plot No.3, Sector-11, CBD Belapur,
Navi Mumbai - 400 614.

+1 CC to M/s.S.SRIMATHY, Advocate (SR-19999[F] dated 23/06/2021)

+1 CC to M/s.D.SRINIVASA RAGAVAN, Advocate (SR-20061[F] dated
24/06/2021)

Order made in
W.P(MD)No.5475 of 2020
Dated: **23.06.2021**

SVN(CO)
TR(02.07.2021) 4P 4C