

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.813 of 2015

Tusar Mishra

.... Petitioner

Mr. Milan Kanungo, Senior Advocate
with Mr. Sidhartha Das, Advocate

-versus-

***Industrial Development
Bank of India Limited,
Bhubaneswar and Others***

.... Opp. Parties

Mr. A. K. Mishra, Advocate
(for Opposite Party No.1)
Mr. B. K. Biswal, Advocate
(for Opposite Party No.2)

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
02.08.2022**

Order No.

08. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. Petitioner-Tusar Mishra by filing the present Writ Petition prayed for a direction to Reserve Bank of India/Opposite Party No.4 to remove his name from its defaulters' list and further direct the I.D.B.I. Bank, Janpath Branch, Bhubaneswar to pay a sum of Rs.1 Crore as damages for illegally placing his name in the RBI's defaulter list. Upon notice, the Bank and the assignee of the Bank, i.e., Asset Reconstruction Company (India) Ltd., (Opposite Party No.2) since 28th March, 2014 have put in appearance.

3. The principal defaulting borrower i.e. M/s. Odyssey Breweries Ltd., (Opposite Party No.3) and Reserve Bank of India (Opposite Party No.4) have remained unserved. At the outset, learned counsel for the Bank submits that on account of the available record, the Petitioner continued to be the operating Director of the Opposite Party No.3 and in view of the conceded outstanding liability in the defaulted/NPA account being more than Rs.25 Lakhs, the Bank was obligated to refer the name of the Company along with its operating Directors for inclusion in the list of defaulter in view of the statutory R.B.I. guidelines which have a binding effect, thus the action of the Bank was legal and valid. Thus, it is submitted, no claim for compensation would be maintainable, more so in writ jurisdiction.

4. Apart from the aforesaid stand, it is a conceded case of the parties that the name of the Petitioner Tusar Mishra stands deleted from the defaulters list dated 31st March, 2013 since 31st March, 2014 in view of the Original Application/Suit for recovery having been filed before the DRT, Cuttack in July, 2013 by the Bank, thereby entitling the removal in terms of the same guidelines issued by the R.B.I.

5. In view of the aforesaid developments, it is conceded that the present Writ Petition has become

infructuous and accordingly the same is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

2nd August, 2022
Cuttack

