IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.27982 OF 2022

Md. Ekram .... ***Petitioner***

Mr. Amit Prasad Bose, Advocate

-versus-

Regional Manager, R.B.I., Bhubaneswar and another .... ***Opp. Parties***

Mr. Rama Chandra Panigrahi, Advocate
(For Opp. Party No.2)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **29.11.2022**

W.P.(C) NO.27982 OF 2022
& I.A. NO. 15766 of 2022

2. 1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition seeks to assail the action of Opposite Parties in not removing the name of the Petitioner from the status report of CIBIL (Annexure-6) and showing that the Petitioner has no arrear dues.

3. This matter was taken up on 14th November, 2022 on which date Mr. Panigrahi, learned counsel for Tata Motors Finance Ltd.-Opposite Party No.2 entered appearance. Mr. Bose, learned counsel for the Petitioner also prayed for an adjournment to file an application for impleation of CIBIL as party to the writ petition.

4. Mr. Panigrahi, learned counsel for Tata Motors Finance Ltd.-Opposite Party No.2 submits that the status of the Petitioner has been shown as 'Settled' in CIBIL Website. In the instant case, the loan account of the Petitioner has been settled by waiving out certain arrear dues. Hence, it has been shown as such in the CIBIL status report. The same cannot be removed as the loan account of the

Petitioner has been settled. Had the Petitioner paid the entire loan dues, the status would have been shown as 'closed'. Thus, it is only a status of the loan account of the Petitioner and there is no provision to delete the same as prayed for by learned counsel for the Petitioner.

5. Mr. Bose, learned counsel, however, submits that as the status of the loan account of the Petitioner has been shown as 'settled, no finance company is advancing loan in favour of the Petitioner. Thus, the Petitioner is seriously prejudiced. He does not dispute that the loan account of the Petitioner has been settled by waiving out certain arrear dues. He further submits that after settlement of the loan account of the Petitioner, NOC has already been issued by the Opposite Party No. 2 to him on 31st July, 2022.

6. Taking into consideration the rival contentions of the parties, this Court is of the considered opinion that the loan account of the Petitioner has been settled by waiving out certain arrear dues in the loan account. Thus, the status of the loan account of the Petitoner has been shown as 'settled' in the CIBIL Website. Thus, occasion of deletion of the same does not arise at all.

7. Since the Petitioner does not have any arrear dues in respect of the loan account in question, this writ petition is disposed of with an observation that the status shown in the website of CIBIL, as aforesaid, cannot be deleted, as prayed for by the Petitioner.

8. In view of disposal of the writ petition, no further order is required to be passed in the I.A. for impleation of CIBIL as party to the writ petition.

9. The I.A. is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

bks

(K.R. Mohapatra)
Judge