15.07.2024
Court No.09
Item no.05
CP

WPA No. 14541 of 2023

Subir Kumar Dutta
Vs.
The Reserve Bank of India & anr.

Mr. Mainak Ganguly
Mr. Dhiraj Kr. Gupta
Mr. Swarup Saha

....for the petitioner.

Ms. Soni Ojha
Ms. S. B. Chatterjee

....for respondent no.2.

The writ petition has been filed alleging inaction on the part of the respondent no.2 in disposing of the representation of the petitioner, seeking correction of the CIBIL score.

According to the petitioner, the commercial credit information report supplied by the Union Bank indicated that the petitioner was not a willful defaulter. The petitioner was regularly paying the dues. The petitioner also submits that some of the loans had been foreclosed. The said document has been filed along with the supplementary affidavit.

Learned advocate for the respondent No.2 submits that the said respondent does not create the score on its own. The CIBIL score is created upon collection of the reports sent by other banks with which the petitioner maintains loan accounts or credit facilities. On the informati0on given by the banks/creditors of the petitioner, the score had been prepared.

The disputed questions of fact cannot be gone into by this court. The banks with whom the petitioner enjoys credit facilities/loan facilities are not made parties to the writ petition. Section 21 of the Credit Information Companies (Regulation) Act, 2005 permits any person who applies for grant or sanction of credit facilities from any credit institution, to make a request to the institution to furnish a copy of the credit information obtained by such institution from the credit information company. Accordingly, the document annexed to the supplementary affidavit is one such information supplied allegedly by the Union Bank. It is also true that the respondent No.2 can correct/update information if such correction, deletion or addition is certified to be corrected by the concerned credit institution.

Under such circumstances, the writ court cannot direct the respondent to correct the credit score of the petitioner only on the basis of the documents annexed to the supplementary affidavit.

The writ petition is disposed of directing the respondent No.2 to supply the information received from all the creditors/institutions from whom the petitioner had availed of loan or credit facilities so that the petitioner may take appropriate steps in accordance with law.

Such information shall be given to the petitioner within a period of one month from the date of communication of this order.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)