23.08.2024
Item No.21
gd/ssd

CPAN/1107/2024
ANUBRATA SANTRA
VS
DEBASISH GUPTA MANAGER BANK OF BARODA
in
WPA/28740/2023
ANUBRATA SANTRA
VS
BANK OF BARODA AND ORS.

Mr. Anit Das,
Mr. Udayan Dutta,
Mr. Debangsu Nandi,
Mr. Asish Dutta
..for the Petitioner.

Mr. Rahul Sarkar,
Ms. Dipika Sarkar
..for the Bank.

1. Learned counsel for the petitioner argues that in contravention of the directions given by this court in its order dated March 12, 2024 in WPA 28740 of 202, the bank has not instructed the CIBIL authorities to carry out the necessary modifications in the credit facility status and that the same has not also been reflected in the CIBIL ratings of the petitioner.

2. Learned counsel for the Bank hands over a communication by the bank to the CIBIL authorities from which it is evident that the bank not only requested the CIBIL authorities to modify the credit facility status by clearly demarcating the portion of the

loan of the petitioner which was settled and the part which was written off. The bank also categorically requested the CIBIL authorities to make necessary change/modification in the CIBIL report as per the order of the court.

3. Learned counsel for the petitioner submits that when an action is taken by the respondent bank in terms of the order of this court, the said action has to be taken fully. In the present case, it is sought to be argued by the petitioner that the CIBIL authorities acted on the instructions of the bank and, as such, since the petitioner's CIBIL score has not improved even after the change of status, the bank is liable for contempt.

4. However, I find from the order in question that this court had merely directed the respondent no.1-bank to modify the credit facility status regarding the loan amount, reflecting clearly as to which part of the loan was written off and which was settled. The bank has fully complied with the same, which is not only evident from the communication handed over in court today but also the modified credit facility status on the portal of the CIBIL authorities, annexed at page 37 of the contempt application, which shows that the credit facility status has been modified, partially showing the loan as settled and the other part as written off, which is in full compliance of the order of this court.

In the last portion of the order of this court, it was also recorded that upon the request being sent in writing by the bank, the appropriate authorities maintaining the CIBIL scores shall reflect such modification and modify the CIBIL ratings of the petitioner in accordance therewith. If the petitioner has any grievance with regard to the non-compliance of the said part by the CIBIL authorities, the same gives rise to a fresh cause of action, since the CIBIL authority was not a party to the writ petition, nor does it fall within the purview of the order, which is not binding on the CIBIL authorities.

5. In so far as the alleged co0ntemnors are concerned, the order dated March 12, 2024 in WPA 28740 of 2023 has been totally complied with.

6. Hence, I do not find any substance in the contempt application and accordingly CPAN 1107 of 2024 is dismissed on contest.

7. Nothing in this order, however, shall prevent the petitioner from taking out an appropriate legal challenge against the action of the CIBIL authorities in not altering the CIBIL scores/ratings of the petitioner pursuant to the modification in the credit facility status of the petitioner, if so aggrieved.

(SABYASACHI BHATTACHARYYA, J.)