OD-11 ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/717/2024

ANIL AGARWAL AND ANR
VS
RESERVE BANK OF INDIA AND ORS

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 1st August, 2024

Appearance :
Ms. Arunima Lala, Adv.
Mr. Subhamoy Patra, Adv.
Mr. Jetinder Das, Adv.
... for the petitioner.

Mr. Dipanjan Datta, Adv.
... for respondent no.2-4.

The Court: Affidavit-of-service filed be taken on record.

The prayer in the writ petition for a mandamus upon the bank to treat the petitioner as a customer at par with other customers who paid off the bank dues and interest on time, cannot be entertained by this Court. The petitioner wants full closure of the account which had become NPA. The petitioner was a defaulter.

The petitioner entered into one time settlement with the bank. The bank agreed on a particular amount. The remaining amount payable by the petitioner was written off. While giving the rating to the petitioner, the bank did not treat the account as a foreclosed account and did not treat the closure as a normal closure but as a settlement/written off. This decision of the bank is a policy which the bank follows to rate its customers. It is used to rate the credibility of a customer of the bank, to assess the financial health of a customer before the bank or any financial institution may embark into any further transaction with such customer. A writ Court cannot direct the bank to change its policy of rating its customers. Such matter is within the exclusive jurisdiction of the bank.

Under such circumstances, the writ petition is disposed of.

The bank will issue intimation to the petitioner clarifying the reason as to why the petitioner's account could not be treated as a normal closure account.

(SHAMPA SARKAR, J.)

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