



W.P.No.9004 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

Writ Petition No.9004 of 2024

and

W.M.P.No.10026 of 2024

1. Raj Hari Eswaran
2. Hari Haran Eswaran
3. Eswaran & Sons Engineers Ltd.,
Temple Tower, 6th Floor,
NO.476, Annasalai,
Nandanam, Chennai-6 00 035.

.. Petitioners

Vs.

1. State Bank of India,
Stressed Assets Management Branch,
Red Cross Buildings, Montienth Road,
Egmore, Chennai 600 008.
2. TransUnion CIBIL Limited,
(Formerly Credit Information Bureau (India) Limited,
Rep., by its Authorised Representative,
One Indiabulls Centre, Tower 2A,
19th Floor, Senapati Bapat Marg,
Elphinstone Road, Mumbai-400 013.

...Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari Mandamus calling for the records relating to the resolution dated 15.09.2021 passed by the



W.P.No.9004 of 2024

WEB COPY

Willful defaulters Identification Committee of the 1st respondent communicated to the petitioners vide Letter No.SAMB/CHE/CLO-V/2021-22/612 dated 13.10.2021 quash the same and consequently direct the 2nd respondent herein to remove the name of the petitioners from the list of willful Defaulters published on the website <https://suit.cibil.com>.

For the Petitioners Mr. T.K.Bhaskar

For the Respondents Mr. M.L.Ganesh for R1
Mr. Madhupreetha Elango for R2

ORDER

Calling into the question of proceedings dated 13.10.2021 passed by the first respondent including the names of the petitioners in the list of the wilful defaulters, the present Writ Petition has been filed.

2. The main plank of the argument advanced by the learned counsel for the petitioners is that the elementary principles of natural justice have not been adhered to before passing the impugned order, and, that apart, there is violation of Article 19(1)(g) of Constitution of India.



W.P.No.9004 of 2024

WEB COPY

3. Learned counsel for the respondents refuting the arguments advanced by the learned counsel for the petitioners submitted that pursuant to the orders passed by the first respondent, the petitioners have already filed review on 08.11.2021 before the Review Committee and the said committee has also passed orders on 14.12.2021 confirming the recommendation made by the Wilful Defaulters Identification Committee.

4. The learned counsel for the respondents further submitted if the petitioners are aggrieved by the orders passed by the Review Committee, petitioners have to assail the same and the present Writ Petition challenging the original order is not maintainable.

5. This Court considered the rival submissions and perused the records.

6. It is not in dispute that pursuant to the inclusion of the petitioners in the list of wilful defaulters, the petitioners have already



W.P.No.9004 of 2024

WEB COPY

filed review before the Review Committee, which in-fact affirmed the view taken by the Wilful Defaulters Identification Committee.

7. The said order dated 14.12.2021 passed by the Review Committee is not challenged before this Court. Therefore, granting liberty to the petitioners to assail the said proceedings of the Review Committee, the present Writ Petition challenging the original order.

8. This Writ Petition is disposed of with the aforesaid liberty. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2024

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.9004 of 2024

WEB COPY

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W.P.No.9004 of 2024

M.DHANDAPANI, J.

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