

12.11.2025
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WPA 443 of 2025

Debasis Jana
Vs.
Union of India & Ors.

Mr. Kamalesh Jha
Sk. Jayed Hossain
.... for the petitioner

Mr. Somen Bhattacharjee, Sr. Adv.
Mr. Amit Sharma
Mr. Abhishek Kumar Agrahari
..... for the UOI

Mr. Soumen Bhattacharjee
Mr. Ankan Das
Ms. Shradhya Ghosh
..... for the respondent no. 4

Ms. Sambrita B. Chatterjee
..... for the respondent no. 5

Mr. Soumya Nag
Mr. Rajdeep Sengupta
Mr. Karan Prasad
..... for the respondents no. 6 & 8

1. Let affidavit-of-service as filed in Court be kept on record.
2. Mr. Jha, learned Advocate, appearing for the petitioner, submits that two PAN Cards were issued in respect of the petitioner's PAN. The original was issued to the petitioner and the second to a namesake, whose father also had the same name as that of the petitioner's father, by the Income Tax Department with the same number. Thus, there were two PAN Cards with the

same PAN number. He further alleges that this situation was rectified subsequently by the department concerned.

3. However, in the meanwhile, the namesake of the petitioner had indulged in several fraudulent activities with the banks, defrauding them by taking huge sum of money and not repaying the same.
4. It is also submitted that the petitioner has been subjected to several enquiries and investigations on account of these transactions, which the petitioner states had never been conducted by him. However, it was done by virtue of the petitioner's PAN Card, a copy whereof was wrongfully issued, to his namesake. The namesake had carried out such transactions, using the PAN Card issued to him, which later went on to be reflected in the petitioner's account.
5. Mr. Nag, learned Advocate appearing for the respondents no. 6 and 8 submits that the process of investigation or enquiry cannot be entertained by this Hon'ble Court, as an alternative and efficacious remedy has been provided under the Credit Information Companies (Regulation) Act, 2005 (hereinafter referred to as the "said Act"). Section 18 of the said Act provides for a dispute resolution module, in the nature of arbitration,

which the petitioner has to avail prior to approaching this Hon'ble Court.

6. The petitioner is granted liberty to approach the concerned body/institution for initiating the arbitration process as envisaged under Section 18 of the said Act for resolution of the disputes notwithstanding the representation made by him, which is still pending.
7. The instant writ petition is, thus, disposed of with the aforestated directions and observations.
8. There shall, however, be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)