

OD-19

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/368/2024

ANIL AGARWAL AND ANR.
VS.
RESERVE BANK OF INDIA AND ORS.

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM

AND

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

Dated : 4TH APRIL, 2025

Appearance:

Ms. Saheli Sen, Adv.
Mr. Rajib Mullick, Adv.
Ms. Shambhavi Jha, Adv.
...for the appellants

Mr. Dipanjan Datta, Adv.
Ms. Sukanya Datta, Adv.
...for Bank of Baroda

THE COURT: This intra-court appeal filed by the appellants is directed against the order dated 1st August, 2024 passed in WPO 717 of 2024. The said writ petition was filed by the appellants for issuance of a direction upon the respondent Bank to forthwith delete and/or remove the Written off and Settlement tag to as normal closure; to take action based on the representation dated 15.5.2024 and to forthwith issue a corrigendum to the intimation made earlier to the Trans Union Credit Information Bureau (India) Limited indicating that the entire loan amount has been paid off by the appellants/writ petitioners including the written off amount as normal closure.

Learned Single Judge disposed of the writ petition on the ground that the Writ Court cannot direct the bank to change its policy of rating its customers and such matter is within the exclusive jurisdiction of the bank.

Under normal circumstances, we would have been in full agreement with the view taken by the learned Single Bench, but the peculiar facts and circumstances of this case on hand persuade us to adopt a different course. This is so because the petitioners had approached this Court earlier by filing a writ petition being WPO 253 of 2024, contending that after the bank issued No Due certificate dated 30.12.2023, subsequently the same stood cancelled by communication dated 4.1.2024 and further amount was demanded and the same is not sustainable in law. The learned Writ Court, after hearing the parties, allowed the writ petition and set aside the communications sent by the respondent Bank dated 4.1.2024 and 15.1.2024 and restrained the respondent Bank from making any claim on the basis of such quashed communications. Further direction was issued that the demand drafts, the details of which were mentioned in the writ petition, issued by the bank in pursuance of the impugned communication was directed to be returned by the writ petitioners to the bank within a timeframe. The writ petitioners had complied with the said direction and the demand drafts were returned. Thereafter, the respondent Bank appears to have not addressed the fifth respondent, namely, Trans Union CIBIL Limited so that the status of the appellants can be changed in the rating in an appropriate form. This writ petition has been disposed of by the impugned order for the reasons which we have mentioned above.

In the light of the orders passed in the earlier writ petition namely WPO 253 of 2004, the respondent bank is duty bound to appropriately address the fifth respondent so that the status of the appellant in the CIBIL rating is appropriately changed. This appears to have not been done or not done so that it gives the desired result in favour of the appellant. Therefore, to this limited extent, this Court would be justified in exercising its jurisdiction under Article 226 of the Constitution in compelling the respondent bank to address the fifth respondent Trans Union CIBIL Limited for appropriate rectification of the CIBIL rating of the appellant taking into consideration the No Due certificate dated 30.12.2023, which remains intact as on date, in the light of the decision in WPO 253 of 2024, dated 25.4.2024.

For the above reasons, the appeal is allowed and the order passed in the writ petition is set aside and there will be a direction to the respondent nos.2 to 4 to appropriately address the fifth respondent namely, Trans Union CIBIL Limited in the appropriate format clearly setting out the terms as contained in the No Due certificate dated 30.12.2023, within a period of three weeks from the date of receipt of the server copy of this order.

(T.S. SIVAGNANAM, C.J.)

(CHAITALI CHATTERJEE (DAS), J.)