APHC010001352025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 69/2025

Between:

1. KAMALLA DURGA PRASAD, S/O RADHA KRISHNA, AGED ABOUT 43 YEARS R/O D.NO.41-1/2-42, DWARAKANAGAR, KRISHNALANKA, VIJAYAWADA-520013, NTR DISTRICT.
2. PENUMADU AKHILA,, D/O P.SURESH KUMAR, AGED ABOUT 30 YEARS, R/O D.NO.3-105/17, LP GARDENS, MALLIKARJUNA SCHOOL ROAD, GANNAVARAM, KRISHNA DISTRICT.

...PETITIONER(S)

AND

1. UNION OF INDIA, REP. ITS SECRETARY, MINISTRY OF FINANCE, JEEVAN DEEP BUILDING 3RD FLOOR, PARLIAMENT STREET, NEW DELHI-110001.
2. RESERVE BANK OF INDIA, REP.BY ITS GOVERNOR, SANSAD MARG, NEW DELHI - 110001.
3. AXIS BANK LTD, REP BY ITS AUTHORIZED OFFICER, TRISHUL, OPP . SAMARTHESWAR TEMPLE, NEAR LAW GARDEN, ELLISBRIDGE, AHMEDABAD.
4. BAJAJ FINANCE LTD, REP BY ITS AUTHORIZED OFFICER, OLD MUMBAI-PUNE ROAD, AKURDI, PUNE-411035.
5. FED BANK FINANCIAL SERVICES LTD, REP BY ITS AUTHORIZED OFFICER, KANAIA WALL STREET, A-WING, 5TH FLOOR,UNIT NO.501/502/511/512, ANDHERI KURL ROAD, ANDHERI.

6. CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD, REP BY ITS AUTHORIZED OFFICER, DARE HOUSE, NO.2, NSC BOSE ROAD, PARRYS, CHENNAI-600001.

7. CLIX CAPITAL SERVICES PVT LTD, REP BY ITS AUTHORIZED OFFICER, PLOT NO.23, 5TH FLOOR, AGGARWAL CORPORATE TOWERS, RAJENDRA PLACE, GOVIND LAI SIKKA MARG. NEW DELHI - 110008.

8. SHRIRAM FINANCE LTD, REP BY ITS AUTHORIZED OFFICER, 14A. SRI TOWERS, SOUTH PHASE, INDUSTRIAL ESTATE, GUNDY, CHENNAI-600032.

9. CREDIT SAISON INDIA, REP BY ITS AUTHORIZED OFFICER, KISETSU SAISON FINANCE (INDIA) PRIVATE LIMITED, INDI QUBE, LEXINGTON TOWER, 1ST FLOOR, TAVAREKERE MAIN ROAD, TAVAREKERE, SG PALYA, BANGALORE - 560029.

10. HERO FINCORP LTD, REP BY ITS AUTHORIZED OFFICER, A-44, MOHAN CO-OPERATIVE INDUSTRIAL ESTATE, MATHURA ROAD, NEW DELHI - 110044.

11. U GRO CAPITAL, REP BY ITS AUTHORIZED OFFICER, 496/4, 2ND FLOOR, 10TH CROSS, SADASIVANAGAR, BANGALORE - 560080.

12. ADITYA BIRLA FINANCE LTD, REP BY ITS AUTHORIZED OFFICER, INDIAN RAYON COMPOUND, VERAVAL - 362 266, GUJRAT.

13. POONAWALA FINCORP LTD, REP BY ITS AUTHORIZED OFFICER, HAVING ITS REGISTERED OFFICE AT 201, 202, 2ND FLOOR, AP 81, KOREGAON PARK ANNEXE, MUNDHWA, PUNE, MAHARASHTRA- 411036

14. ASHV FINANCE LIMITED, REP BY ITS AUTHORIZED OFFICER (ERSTWHILE JAIN SONA FINANCE LIMITED), 128, 3RD LOOR, TECHNIPLEX-IIIT PARK, OFF.VEER SAVARKAR FLYOVER, GOREGON (WEST), MUMBAI - 400062.

15. EDELWISE FINANCE, REP BY ITS AUTHORIZED OFFICER TOWER 3, WING - B, KOHINOOR CITY MALL, KOHINOOR CITY, KIROL ROAD, KURLA (WEST), MUMBAI - 400070.

16. NEO GROWTH CREDIT PVT LTD, REP BY ITS AUTHORIZED

OFFICER TIMES SQUARE, TOWER-E, 9TH FLOOR, ANDHERI-KURLA ROAD,MAROL, ANDHERI EAST, MUMBAI - 400059.

17. KINARA CAPITAL FINANCE, REP BY ITS AUTHORIZED OFFICER 50, 2ND FLOOR, 100 FEET ROAD, HAL II STAGE, INDIRANAGAR, BANGALORE.

18. HDB FINANCIAL SERVICES, REP BY ITS AUTHORIZED OFFICER REGD. OFFICE, RADHIKA, 2NDFLOOR, LAW GARDENROAD, NAVRANGPURA, AHMEDBD - 380009.

19. GODREJ FINANCE LTD, REP BY ITS AUTHORIZED OFFICER REP BY ITS AUTHORIZED OFFICER GODREJ ONE, PIROJSHANAGAR, EASTERN EXPRESS HIGHWAY, VIKHROLI EAST, MUMBAI - 400079.

20. ADITYA BIRLA FINANCE LIMITED, REP BY ITS AUTHORIZED OFFICER BANGALORE, KARNATAKA - 560080.

21. MUTHOOT FINANCE, MUTHUT CHAMBERS, OPP . SARITHA THEATRE COMPLEX, BANERJI ROAD, KOCHI - 682 018.

22. POONAWALA FIN CORP, REP BY ITS AUTHORIZED OFFICER REGD. OFF.601, 6TH FLOOR, ZERO ONE IT PARK, SURVEY NO.79/1, GHORPADI, MUNDHWA ROAD, PUNE -411036.

23. U GRO CAPITAL, REP BY ITS AUTHORIZED OFFICER, 4TH FLOOR, TOWER 3, EQUINOX BUSINESS PARK, LBS ROAD, KURLA, MUMBAI - 400070.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue appropriate Writ, Order or direction more particulalry one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents 3 to 23 for resorting to illegal methods for recovery of amounts from the Petitioners without following due process of law as arbitrary, without Jurisdiction, exfacie illegal against Art. 19, 21 and 300-A of the Constitution of India and to direct the Respondents No.1 and 2 to take appropriate action against theb Respondents No.3 to 23 for violating the procedure of law for recovery of amounts due rom Petitioners by consequently restraining the Respondents 3 to 23 from resorting to any illegal

methods for recovery of amounts from the Petitioners without following due process of law for recovery of the amounts due from the Petitioners and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased It is also just and necessary that this Hon'ble Court may be direct the Respondents No.3 to 23 not to resort to any illegal methods for recovery of amounts from the Petitioners without following due process of law for recovery of the amounts due from the Petitioners; pending disposal of the above Writ Petition pending disposal of the above writ petition and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to grant leave by condoning the delay to the Petitioner herein/ Respondent No. 16 in the Writ Petition No. 69 of 2025 for filing the counter affidavit in the in the above writ petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant leave by condoning the delay to the Petitioner herein/ Respondent No. 5 in the Writ Petition No. 69 of 2025 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner(S):

1. DEVALARAJU ANIL KUMAR

Counsel for the Respondent(S):

1. YADAVALLI RAMESH
2. J VENKATESWARA PRASAD
3. HEMADRI V S S R R CHANDRAKANTH
4. MANIKYA VEENA MEKAPOTULA

5. DIVYA DATLA(CENTRAL GOVERNMENT COUNSEL)
6. B M KRISHNA PATIBANDLA
7. O UDAYA KUMAR
8. TANUSHA VENKATA LAKSHMI KURAPATI
9. SRIDEVI GANTA
10. KUNUKU RAJA SEKHAR

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 23 in harassing the petitioners and their family members by sending loan recovery agents to the house of the petitioners, by making continuous phone calls and humiliating him in front of neighbours without following the guidelines issued by Reserve Bank of India vide Memo No.RBI/2022-23/108, dated 12.08.2022.

2. Heard Sri Anil Kumar Devalaraju, learned counsel for petitioners, Ms. Divya Datla, learned Central Government Counsel, Sri Yadavalli Ramesh, learned counsel for respondent no.19, Ms.G.Sridevi, learned counsel for respondent no.4, Sri JHagarlapudi Venkateswara Prasad, learned counsel for respondent nos. 13 & 22, Sri Tanusha Venkata Lakshmi Kurapati, learned counsel for respondent no.9, Sri Kunuku Rajasekhar, learned counsel for respondent no.3, Sri Hemadri VSSRR Chandrakanth, learned counsel for respondent no.18, Ms. M.Manikya Veena, learned counsel for respondent no.6 and Sri P.B.M, Krishna, learned counsel for respondent no.12.

3. Perused the record and considered the submissions made by the learned counsel for the parties.

4.The Hon'ble Apex Court ***in ICICI Bank Ltd. V. Prakash Kaur and others***[1] has categorically held that the practice of hiring recovery agents, who are musclemen, is deprecated and needs to be discouraged. The Bank should resort to procedure recognized by law if the borrower have committed default in payment of the installments instead of taking resort to strong arm tactics. However, as the respondents contend that they never sent agents and they have an intention to follow law for recovery, there is no purpose in keeping the writ petition pending, as such, this Court is inclined to dispose of the writ petition.

5. In **S. Shobha v. Muthoot Finance Ltd.**[2], the Hon'ble Supreme Court of India ruled that a writ petition under Article 226 of the Constitution is not maintainable against a private non-banking financial company (NBFC) or private commercial entities.

6. In view of the above, the banks should resort to procedure recognized by law if the borrower has committed default in payment of the installments instead of taking resort to strong arm tactics. The writ petition filed against the private non-banking financial company (NBFC) is not

[1] (2007) 2 SCC 711 n
[2].(2025 INSC 117)

maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

7. Accordingly, the writ petition is ***disposed of.*** There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

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JUSTICE RAVI CHEEMALAPATI

13th October, 2026

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