APHC010244922026

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: 12876/2026

Between:

1. M/S. S.V. CONSTRUCTIONS,, REP BY ITS PARTNER, AKEPATI RAMA KOTESWARA REDDY, S/O. AKEPATI VENKATRAMI REDDY, AGED ABOUT 39 YEARS, OCC. BUSINESS, R/O. D.NO. 14/27, VENKATARAJUPALLI VILLAGE, CHITVEL MANDAL, KADAPA DISTRICT, ANDHRA PRADESH-
2. GUTTI NARASIMHULU,, S/O. GUTTI SRINIVASULU, AGED ABOUT 42 YEARS, OCC. BUSINESS PARTNER, R/O. D.NO. 1/52, RAAJUKUNTA, KADAPA, ANDHRA PRADESH-516104.

...PETITIONER(S)

AND

1. UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITUREROOM-NO74-B, NEW DELHI - 110001 (INDIA).
2. THE RESERVE BANK OF INDIA, REP BY ITS EXECUTIVE DIRECTOR 2ND FLOOR. CENTRAL OFFICE BUILDING, BHARAT SINGH MARG, MUMBAI.
3. CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED, CHOLA CREST, PLOT NOS. C 54-55 AND SUPER B-4, THIRU.VI.KA INDUSTRIAL ESTATE, GUINDY, CHENNAI-600032.
4. HDB FINANCE SERVICES LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR, REGD OFFICE. SRI TOWERS, PLOT NO.L4A, SOUTH PHASE, INDUSTRIAL ESTATE, GUINDY,

CHENNAI, TAMIL NADU- 600 032, INDIA,

5. HDFC BANK, REP BY ITS MANAGER, HDFC BANK HOUSE, SENAPATI BAPAT MARG, LOWER PAREL (WEST), MUMBAI MAHARASHTRA, INDIA.

6. ICICI BANK, REP BY ITS MANAGER, ICICI BANK TOWERS, BANDRA- KURLA COMPLEX, MUMBAI 400051, MAHARASHTRA, INDIA.

7. AXIS BANK, REP BY ITS MANAGER, AXIS HOUSE, BOMBAY DYEING MILLS COMPOUND, PANDURANG BUDHKAR MARG, WORK, MUMBAI - 400 025

8. BAJAJ FINANCE LTD, REP BY ITS 4TH FLOOR BAJAJ FINSERV CORPORATE OFFICE, OFF PUNE AHMEDNAGAR ROAD, VIMAN NAGAR, PUNE - 411014.

9. BANDAN BANK FINANCE LTD, REP BY ITS MANAGER, FLOORS 12-14, ADVENTZ INFINITY@5, BN 5, SECTOR V, SALT LAKE CITY, KOLKATA 700091, WEST BENGAL, INDIA.

10. CATERPILLAR FINANCIAL SERVICES INDIA PRIVATE LIMITED, REP BY ITS MANAGER, 6TH FLOOR, TOWER 'B', PRESTIGE SHANTINIKETAN, THE BUSINESS PRECINCT, WHITEFIELD MAIN ROAD, BENGALURU, KARNATAKA, 560048, INDIA.

11. HINDUJA LEYLAND FINANCE LTD, REP BY ITS MANAGER, NO. 27 A, DEVELOPED INDUSTRIAL ESTATE, GUINDY, CHENNAI - 600032. THE REGISTERED OFFICE IS LOCATED AT PLOT NO. C-21, TOWER C (1-3 FLOORS), G BLOCK, BANDRAKURLA COMPLEX, BANDRA (E), MUMBAI - 400051.

12. POONAWALA FINCORP LIMITED, REP BY ITS MANAGER, UNIT NO. 2401, 24TH FLOOR, ALTIMUS, DR. G.M. BHOSALE MARG, WORLI, MAHARASHTRA - 400018.

13. YES BANK FINANCE LTD, REP BY ITS MANAGER, YES BANK HOUSE, OFF WESTERN EXPRESS HIGHWAY, SANTACRUZ EAST, MUMBAI, MAHARASHTRA 400055, INDIA.

14. UNION BANK OF INDIA, REP BY ITS MANAGER, UNION BANK BHAVAN, 239, VIDHAN BHAVAN MARG, NARIMAN POINT,

MUMBAI - 400 021, MAHARASHTRA, INDIA.

15. HDFC BANK CREDIT CARD, REP BY ITS MANAGER, C/O. HDFC BANK CARDS DIVISION, DOOR NO.94 SP, ESTATE BUS STAND, WAVIN MAIN ROAD, MOGAPPAIR WEST, CHENNAI, TAMILNADU-600058.

16. ICICI BANK PAY LATER CREDIT CARD, REP BY ITS MANAGER, C/O. ICICI BANK LIMITED, BANDRAKURLA COMPLEX, MUMBAI 400051, INDIA.

...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 toleased to issue a Writ Order or direction particularly, one in the nature of a writ of Mandamus declaring the action of the Respondent Nos. 3 to 4, who are attempting to recover loan amounts from the petitioner by sending recovery agents to the petitioners residence without adhering to the Circular issued by Respondent No.2 vide RBI/2022-23/108 DOR.ORG.REC.65/21.04.158/2022-23,dated 12.08.2022. Such actions are illegal, arbitrary, and in violation of Articles 14 and 21 of the Constitution of India and Consequently, direct Respondent Nos. 3 to 4 to immediately stop sending recovery agents to the petitioner's residence and to strictly adhere to the Circular issued by Respondent No. 2, vide RBI/2022-23/108 DOR.ORG.REC.65/21.04.158/2022-23, dated 12.08.2022, while recovering any outstanding loans and to pass

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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 direct Respondent Nos.3 to 16 not to take any coercive steps against the petitioner, including sending recovery a^nts to the petitioner's residence for loan recovery and pass order or orders in accordance with the law pending disposal of the above writ petition and to pass

Counsel for the Petitioner(S):

1. KOTA KRISHNA DEEPTHI

Counsel for the Respondent(S):

1. HEMADRI V S S R R CHANDRAKANTH
2. MANIKYA VEENA MEKAPOTULA
3. TADDI SOWMYA NAIDU
4. DEPUTY SOLICITOR GENERAL OF INDIA
5. T NIRANJAN Deputy Solicitor General of India
6. SRIDEVI GANTA
7. KUNUKU RAJA SEKHAR
8. A RAVINDRA BABU (CENTRAL GOVT COUNSEL)

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 16 in harassing the petitioner and his family members by sending loan recovery agents to the house of the petitioner, 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 Kota Krishna Deepthi, learned counsel for petitioner, Sri A Ravindra Babu, learned Central government counsel, Ms.Sree Devi Ganta, learned counsel for respondent no.8, Sri Kunuku Rajasekhar, learned counsel for respondent nos.6,13,4,6,7, Sri Hemadri VSSRR Chandrakanth, learned counsel for respondent no.12, Ms. M.Manikya Veena, learned counsel for respondent no.3 and Ms.Taddi Sowmya Naidu, learned counsel for respondent no.10.

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 view of the above, respondent nos.6,7 & 14 to 16 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.

6. So far as respondent nos. 3 to 5 and 8 to 13 are concerned, 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. Therefore, this writ petition filed against

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

respondent nos. 3 to 5 and 8 to 13 is not maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

7. Accordingly, the writ petition is ***disposed of.*** However, the respondent nos. 6,7 & 14 to 16 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. Further, the petitioner is at liberty to approach appropriate Forum for getting his grievance redressed against respondent nos. 3 to 5 and 8 to 13. 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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