APHC010440722025

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

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 22399/2025

Between:

1. DHEERAJ JAIN, C/O. NATHMAL JAIN, AGED ABOUT 48 YEARS. BUSINESS, R/O. DOOR NO. 14-3-18/1/27, FLAT NO. 308, PARSHWA BHAIRAV TOWERS, VENKATAPATHIRAJU NAGAR, MAHARANIPETA, VISAKHAPATNAM (URBAN), VISAKHAPATNAM, ANDHRA PRADESH 530 002.

2. SMT. MEENA JAIN, W/O. DHEERAJ JAIN, AGED ABOUT 41 YEARS. HOMEMAKER, R/O. DOOR NO. 14-3-18/1/27, FLAT NO. 308, PARSHWA BHAIRAV TOWERS, VENKATAPATHIRAJU NAGAR MAHARANIPETA, VISAKHAPATNAM (URBAN), VISAKHAPATNAM, ANDHRA PRADESH 530 002.

3. M/S. K.K. IMPEX, REP. BY ITS SOLE PROPRIETOR, SRI DHEERAJ JAIN, 31-30-46, SRI VENKATESWARA NILAYAM, NARAYANA STREET, VISAKHAPATNAM, ANDHRA PRADESH 530 020.

...PETITIONER(S)

AND

1. THE UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, ROOM-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. ADITYA BIRLA FINANCE LTD, FLOOR, NAVARATNA BUILD, NO

10/4/15/1, SAMPATH VINAYAKA TEMPLE RD, 0PP. HOTEL MEGHALAYA, RAM NAGAR, VISAKHAPATNAM, ANDHRA PRADESH 530003

4. AMBIT FINVEST PVT LTD, D. RAMATAKIES DOWN ROAD, SRINAGAR, DWARAKA NAGAR, VISAKHAPATNAM, ANDHRA PRADESH 530016.

5. AXIS BANK LTD, NO 43/9/141,4TH FLOOR, SRI KANYA, SRI GAYATHRI TOWERS, MAIN RD, DONDAPARTHY, RAILWAY NEW COLONY, VISAKHAPATNAM, ANDHRA PRADESH 530016.

6. AXIS FINANCE LTD, NO 43/9/141,4TH FLOOR, SRI KANYA, SRI GAYATHRI TOWERS, MAIN RD, DONDAPARTHY, RAILWAY NEW COLONY, VISAKHAPATNAM, ANDHRA PRADESH 530016. 7

7. BAJAJ FINANCE LTD, D. NO 50/81/70/5, 1ST FLOOR, ADITYA COMPLEX, SEETHAMPETA VISAKHAPATNAM - 530016.

8. CHOLAMANDALAM INVESTMENT FIN COM LTD, 1ST FLOOR, GVK PLAZA, DWARAKA NAGAR, VISAKHAPATNAM, 530016.

9. CLIX CAPITAL SERVICES PVT LTD, SRINIVASA NILAYAM BUILDING, DOOR NO. 49-12-15/1 2ND FLOOR, LALITHA NAGAR, REVENUE WARD 12, VISAKHAPATNAM, ANDHRA PRADESH - 530016.

10. FEDERAL BANK FINANCIAL SERVICES LTD, OFFICE SPACE NO 203 (SOUTH EAST) 1ST FLOOR SOMUBAIDU ENCLAVE, DOOR NO 47-9-20 (6 PLOT NO 127-C, BLOCK NO 15 TS NO 669, ALLIPIPURAM WARD DWARAKA NAGAR AREA, ANDHRA PRADESH 530016.

11. GODREJ FINANCE LIMITED, KORA TOWERS 19-8-112/DI, KORA TOWERS, BESIDE BANK OF BARODA, OPP HDFC BANK AIR BYPASS ROAD, TIRUPATI, ANDHRA PRADESH- 517501.

12. HERO FINCORP LTD, 1ST FLOOR. TRAVELS, D. NO 50, 81-55/1, SEETHAMMAPETA MAIN RD, ABOVE SAI KRISHNA VISAKHAPATNAM, ANDHRA PRADESH 530016.

13. IDFC FIRST BANK, DOOR NO 47-10-20/18, SECOND FLOOR, DWARAKA PLAZA, NEARBY MANYAVAR CLOTHING STORE,

DWARAKANAGAR, VISAKHAPATNAM, ANDHRA PRADESH - 530016.

14. NFL FINANCE LIMITED, NO 47/11/3/9,10 1ST FLOOR, ESWARA HOMES, 1ST LANE, DWARAKANAGAR, VISAKHAPATNAM, ANDHRA PRADESH.

15. L AND T FINANCE, DOOR NO 46-19-14, 1ST FLOOR MANDAVARI VEEDHI, DONDAPARTHY REVENUE WARD 15, ANDHRA PRADESH 530016.

16. MAS FINANCIAL SERVICES LTD, 6, GROUND FLOOR, NARAYAN CHAMBERS, BEHIND PATANG HOTEL, ASHRAM ROAD, AHMEDABAD, GUJARAT - 380009.

17. POONAWALLA FINCORP LTD, 2NDFLOOR, VARSHA TOWER, DOOR NO. 10-5, 22/2/3 WALTAIR MAIN RD, OPP. TO WNS BUILDING, VISAKHAPATNAM, ANDHRA PRADESH 530003.

18. SHRIRAM FINANCE LTD, 4THFLOOR, BHUVANESWARI PLAZA, 47-10-1, DIAMOND PARK JET, DONDAPARTHY, DWARAKA NAGAR, VISAKHAPATNAM, ANDHRA PRADESH 530016

19. SMFG INDIA CREDIT CO LTD, D.NO. 49-24-7, 3RD FLOOR, L N PLAZA, MADHURA NAGAR, SANKARA MATAM ROAD, VISAKHAPATNAM ANDHRA PRADESH - 530016.

20. PROTIUM FINANCE BANK, 4TH FLOOR, BHUVANESWARI PLAZA, 47-10-1, DIAMOND PARK JET, DONDAPARTHY, DWARAKA NAGAR, VISAKHAPATNAM, ANDHRA PRADESH 530016.

21. TATA CAPITAL LTD, FLEXI LOAN, BALAJI NAGAR - NO 49/24/10, 1ST FLOOR, BALAJI TOWER, SANKARAMATAM ROAD MADHURA NAGAR VISAKHAPATNAM - 530016.

...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 an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the Respondents No. 3 to 21 in trying to recover the loan amounts from me by sending recovery agents to my residence and my office without following Circular issued by the respondent No.2 vide RBI/202223/108 DOR ORG REC

65/ 21 04 158/202223 dated 12.08.2022 as illegal, arbitrary and against the Articles 14, 19 21 of the Constitution of India and to consequently direct the Respondents Nos.3 to 21 to stop forth with by sending recovery agents to my residence and office and to duly follow Circular issued by the respondent No. 2 vide RBI/202223/108 DOR ORG REC 65/ 21 04 158/202223 dated 12.08.2022 while recovering loans that may be due to them and 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 to direct the respondents No.3 to 21 not to take any coercive measures against me and my wife without following due process of law and mandatorily following Circular dated 12.08.2022, RBI/202223/108 DOR ORG REC 65/ 21 04 158/202223 issued by respondent no 2 pending disposal of the above writ petition and pass

Counsel for the Petitioner(S):

1. TALLADA RAMESH BABU

Counsel for the Respondent(S):

1. HEMADRI V S S R R CHANDRAKANTH
2. SAI SANJAY SURANENI
3. O UDAYA KUMAR
4. DASAM DURGA SHIVA SAI
5. KUNUKU RAJA SEKHAR
6.

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 21 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 them 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 Tallada Ramesh Babu, learned counsel for petitioners, Sri Kunuku Rajasekhar, learned Standing Counsel for respondent nos.6, 13 and 21, Sri Sai Sanjay Suraneni, learned counsel for respondent no.15, Sri O.Uday Kumar, learned counsel for respondent no.18 and Sri Hemadri VSSRR Chandrakanth, learned counsel for respondent no.17.

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.5 & 6 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.

[1] (2007) 2 SCC 711

6. So far as respondent nos. 3,4 & 7 to 21 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 respondent nos.3,4 & 7 to 21 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. 5 & 6 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. 3,4 & 7 to 21 . There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

12th October, 2026
BRS

[2].**(2025 INSC 117)**