(2023) 03 DEL CK 0219

In the Delhi High Court

Case No : Civil Writ Petition No. 2336 Of 2023, Civil Miscellaneous Application No. 8865, 8867 Of 2023

Ratul Puri APPELLANT

Vs

State Bank Of India RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:
Constitution Of India, 1950 — Article 226, 227

Citation : (2023) 03 DEL CK 0219

Hon'ble Judges : Purushaindra Kumar Kaurav, J

Bench : Single Bench

Advocate : Arvind Nayar, Vaibhav Mishra, Akshay Joshi, Jayant Chawla, Ekansh Mishra, Sandeep Sethi, Rajiv Kapur, Akshit Kapur, Harsh Narwal, Tushar Bagga, Manu Beri, Prateek Kasliwal

Final Decision : Disposed Of

Judgement

Purushaindra Kumar Kaurav, J

1. This petition under Article 226 read with 227 of the Constitution of India has been filed by the petitioner seeking following reliefs:-

“a. Issue a writ/ order/ direction in the nature of mandamus and/or any other appropriate writ! order/ direction of like nature directing the Respondent Nos. I and 2 to remove/ delete the name of the Petitioner appearing in the list of 'Suit Filed Accounts - Wilful Defaulters Rs. 25 lacs and above as on 31-Jan-2023' uploaded on the official website of Respondent No.2;

b. Issue a writ/ order/ direction in the nature of mandamus to Respondent No.1 to provide the Petitioner with the order (if any) passed by the Wilful Defaulter Review Committee;

c. Issue a writ/ order/ direction in the nature of mandamus to Respondent No.1 to refrain from putting the order (if any) of the Wilful Defaulter Review Committee in public domain for a period of 4 weeks after providing the same to the Petitioner;

d. Issue a writ/ order/ direction in the nature of mandamus and/or any other appropriate writ/ order/ direction of like nature quashing/ setting aside the entire action/ process/ proceedings of Respondent No.1 regarding declaration of Petitioner as a Wilful Defaulter;

e. Issue a writ in the nature of mandamus or any other appropriate writ of like nature directing the Respondent Nos. 1 & 2 to remove all incriminating and false information against the Petitioner from the database of Respondent No.2, which information has been shared at the behest of Respondent No.1 Bank;

f. Pass an order restraining the Respondent Nos. 1 and 2 and or / their servants, agents, assignees and officers and / or anyone claiming through or under them from publishing / reporting the name of the Petitioner to the Reserve Bank of India / Respondent No.2 (CIBIL) / newspapers and/ or giving any effect in furtherance of the act of Respondent No. 1 unlawfully reporting the name of Petitioner to the Respondent No.2 and publishing the same in the list of 'Suit Filed Accounts - Wilful Defaulters Rs. 25 lacs and above as on 31-Jan;-2023' uploaded on the official website of Respondent No.2, in any manner whatsoever."

2. The brief facts of the instant case are that the respondent No.1-State Bank of India (SBI) had reported the name of the petitioner to the Credit Information Bureau of India Limited i.e. TransUnion Cibil Limited (Respondent No.2-CIBIL) as a wilful defaulter; and consequently the petitioner's name appeared on the website of Respondent No.2-CIBIL. Learned counsel for the petitioner states that the aforesaid decision has been taken without providing a copy of the reasoned order of the Review Committee to the petitioner and hence, the respondent No.1-SBI is in gross violation of the mandate of the Master Circular of RBI and the decision of the Hon'ble Supreme Court in the case of Bank of India v. Jah Developers Pvt. Limited1.

3. This matter was taken up for hearing on 23.02.2023 and learned counsel appearing for respondent No.1-SBI was directed to apprise the court as to on which date, the order was passed by the Review Committee on the representation submitted by the petitioner.

4. Learned counsel appearing on behalf of respondent No.1-SBI, on instructions, submitted that the Review Committee had already decided the representation on 15.11.2022, however, he stated that the copy of the order was to be served on the petitioner. Accordingly, this court directed the respondent No.1- SBI to supply the copy of the order passed by the Review Committee and in the meantime, the respondent No.1-SBI was directed to take steps for removing the name of the petitioner from the concerned list of willful defaulters.

5. When the matter was taken up for hearing on 27.02.2023, the respondent No.1- SBI was directed to file an affidavit.

6. Thereafter, the matter was taken up on 03.03.2023 and the learned senior

counsel who appeared on behalf of the respondent No.1- SBI stated that necessary steps have already been taken. Since, the same were required to be routed through Reserve Bank of India (RBI), therefore, the name of the petitioner was not removed from the concerned list of willful defaulters. However, an appropriate affidavit in that respect was directed to be filed.

7. The respondent No.1-SBI in its affidavit, in compliance of the order dated 23.02.2023, in paragraph 6 states that the name of the petitioner has been removed/ deleted from the website of respondent No.2-CIBIL and the data of the said respondent clearly reflects the aforesaid position. Paragraph No.6 of the compliance affidavit filed by respondent No.1-State Bank of India is reproduced as under:-

"6. In compliance of the order dated 23.02.2023 passed by this Hon'ble Court, the name of the petitioner has been removed/ deleted from the website of CIBIL as on 30.11.2022, 31.12.2022, 31.01.2023 and 28.02.2023 reflecting no data of the petitioner.

……"

8. In view of the aforesaid, it is seen that so far as the relief (a) of the relief clauses is concerned, the same stands mitigated.

9. Learned senior counsel appearing on behalf of the petitioner, however, states that the relief (b) of the relief clauses still needs to be adjudicated as in any case, once an adverse decision is taken against the petitioner by the Review Committee, the same needs to be served on the petitioner. He, therefore, states that even this court also in its first order directed the respondent No.1-SBI to supply a copy of the order dated 15.11.2022 to the petitioner to which learned senior counsel appearing on behalf of the petitioner also agreed.

10. At this stage, learned senior counsel appearing on behalf of respondent No.1-SBI states that the order dated 15.11.2022 is not being acted upon for various reasons. He, on instructions, states that firstly, the consequential action which was taken against the petitioner, pursuant to order dated 15.11.2022, has already been undone and secondly, no further steps would be taken against the petitioner in view of the order dated 15.11.2022. According to him, the legal submission which has been made by the petitioner that without service of the copy of the adverse order, no consequences should follow, is not disputed. He, therefore, states that, when the Bank has taken a categorical stand that the order dated 15.11.2022 is not being acted upon, copy thereof is not required to be supplied to the petitioner.

11. Since the respondent No.1-SBI has taken a stand not to act upon the order dated 15.11.2022, and has stated not to take any further steps against the petitioner, no further orders are necessary.

12. In view of the aforesaid, no further directions with respect to other prayers are required. Accordingly, the petition stands disposed of along with pending

applications.

