HIGH COURT OF CHHATTISGARH AT BILASPUR

<u>WPC No. 779 of 2026</u>

1 - Jaleshwar Singh S/o Shri Beer Singh Aged About 33 Years Presently Working As Amo At Ayush Department, Pendra Road, Distt. Gaurela Pendra Marwahi, Chhattisgarh, R/o Jogisar, Pendra Road, Distt. Gaurela Pendra Marwahi, Chhattisgarh.

... Petitioner(s)

versus

1 - Union Of India Through Department Of Financial Services Ministry Of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi 110001.

2 - State Of Chhattisgarh Through Director, Directorate Of Institutional Finance, Finance Department, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, Chhattisgarh.

3 - Reserve Bank Of India Through Governor, Reserve Bank Of India, 4th Floor, Amar Building, Sir P.M. Road Mumbai 400001 (M.S.)

4 - The Office Of Banking Ombudsman Reserve Bank Of India, Through Banking Ombudsman, Reserve Bank Of India, Regional Office Raipur, Sector 24, Atal Nagar, Naya Raipur, Chhattisgarh 492101.

5 - Cholamandalam Investment And Finance Company Limited (Cifcl) Having Corporate Office At Chola Crest, C54-55 And Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai 600032.

6 - Icici Bank Limited Having Its Registered Office At Icici Bank Tower, Near Chakli Circle, Old Padra Road, Vadodara 390007, Gujarat.

7 - Collector District Raipur, Chhattisgarh.

8 - Spash Advisor Private Limited Through Its Proprietor Manoj Kumar

Pradhan, Having Registered Office At Office No. Ff, 1st Floor, Dm Plaza, Naighar Chowk, Chhota Para, Raipur, Chhattisgarh 492001. Branch Office At Behind Vasundhara City Mall, Near Tulsi Chowk, Gangapur, Ambikapur, Surguja, Chhattisgarh 497001.

9 - Rv Group Through Its Proprietor Abhay Gupta, Having Registered Office At Office No. Ff, 1st Floor, Dm Plaza, Naighar Chowk, Chhota Para, Raipur, Chhattisgarh 492001.

10 - Abhay Gupta Manager At Spash Advisor Private Limited, Having Registered Office At Office No. Ff, 1st Floor, Dm Plaza, Naighar Chowk, Chhota Para, Raipur, Chhattisgarh 492001.

11 - Pooja Yadav Employee At Spash Advisor Private Limited, Having Registered Office At Office No. Ff, 1st Floor, Dm Plaza, Naighar Chowk, Chhota Para, Raipur, Chhattisgarh 492001.

... Respondent(s)

<u>Order Sheet</u>

25/04/2026	Shri Dhiraj Kumar Wankhede and Shri Aniruddh Singh, counsel for the petitioner. Ms. Shweta Rai appears on behalf of Shri Ramakant Mishra, DSGI for Union of India/Respondent No.1. Shri Anand Dadariya, Dy AG and Shri Shobhit Mishra, Dy GA for the State/Respondent Nos.2 & 7. Shri Aman Saxena, counsel for Respondent No.6-ICICI Bank. Heard. Issue notice to the respondents as per rules. Learned counsel appearing for the respondents accept notice on behalf of respondents No.1, 6, 2 and 7, hence, issuance of notice to them, is dispensed with. Process Fee be paid within a week only for respondents No.3 to 5 and 8 to 11.

	Also heard on I.A. No.01/2026, application for grant of interim relief / stay. Learned counsel for the petitioner would submit that respondent Nos.8 and 9 (hereinafter referred to as 'private respondents') are the Direct Selling Agents (henceforth referred to as 'DSAs') of respondent No.5 and 6 (hereinafter referred to as 'respondent Banks'). In the month of December, 2023, one Pooja Yadav (respondent No.11), an employee of private respondents, approached the petitioner via phone call and offered to provide him a personal loan. The petitioner agreed to take one personal loan from Cholamandalum Investment and Finance Ltd. for an amount of Rs 5,00,000/- In the month of January, 2024, the petitioner submitted Aadhar Card, Pan Card, and Salary Slip to the private respondents on WhatsApp and also shared an OTP. He would further submit that against aforesaid loan of Rs.5 lakhs, the private respondents in collusion with the respondent Banks sanctioned and disbursed multiple personal loans for a total amount of Rs. 20,00,000/- from the respondent Banks without consent of petitioner. When petitioner asked the private respondents regarding the multiple loans credited in his bank account, the private respondents directed the petitioner to transfer 50% of the loan amount in the bank accounts of the private respondents and promised that the private respondents would transfer the EMI amount of all loans in the bank account of the petitioner, every month, one day prior to the due date of the EMI. Learned counsel further submitted that the petitioner neither signed any documents nor physically visited the

	Banks for disbursement of the loan. The private respondents informed the petitioner that there is no requirement of any document for sanction of personal loan and only OTP is required. It is further submitted that the private respondents paid EMIs for a few months and thereafter stopped making payments, therefore, the respondent Banks are sending recovery agents who are publicly harassing, abusing and humiliating the petitioner and his family members to forcefully extort the loan amount, which was never utilized by the petitioner. Learned counsel further submitted that '**Guidelines on Managing Risks and Code of Conduct in Outsourcing of Financial Services by Banks'** (Annexure - P/7) dated 03.11.2006 has been issued by the Reserve Bank of India (for short 'RBI'). Clause 4.1 of aforesaid guidelines provides as under :- "**4.1.** The outsourcing of any activity by bank does not diminish its obligations, and those of its Board and senior management, who have the ultimate responsibility for the outsourced activity. Banks would therefore be responsible for the actions of their service provider including Direct Sales Agents/Direct Marketing Agents and recovery agents and the confidentiality of information pertaining to the customers that is available with the service provider. Banks should retain ultimate control of the outsourced activity." Learned counsel for the petitioner further submitted that complaint was also made to the banking ombudsman of RBI but it also did not take any action against respondents. He lastly submitted that agents of respondent Banks are continuously harassing and humiliating petitioner, hence, he

Avinash	prays that interim protection may be granted to the petitioner. Issue notice to the respondents on interim application also, as above. Learned counsel for the respondents seek time to file reply. Two weeks' time is granted to learned counsel for the respondents to file reply to the main petition as well as to the interim application. However, considering the grievance of petitioner, respondent Banks are restrained from taking any coercive action against the petitioner either through their employee or their recovery agents, till the next date of hearing. CC as per rules. List the case after two weeks. Sd/- **(Amitendra Kishore Prasad)** **Judge**