2026:CGHC:18450

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 1799 of 2026**

**1 -** Shyam Lal Korram S/o Shri Late Mehattar Ram Aged About 53 Years Presently Posted Lecturer (L B), Government Higher Secondary School, Singanpur, Tehsil Keshkal, , District Kondagaon, Chhattisgarh, R/o House No. 17c, Village And Post Singanpur, Tehsil Keshkal, District Kondagaon, Chhattisgarh

**2 -** Rita Markam D/o Raidhar Markam Aged About 33 Years Presently Working As Patwari, Tehsil Keshkal, District Kondagaon, R/o P W D Colony, Tehsil Keshkal, District Kondagaon Chhattisgarh

**3 -** Guman Singh Paikara S/o Shri Chhabit Ram Paikara Aged About 43 Years Presently Working As Teacher (Lb) At Upper Primary School, Tendubhata, Tehsil Keshkal, District Kondagaon, R/o Village Bedma, Post Bahigaon, Police Station Keshkal, District Kondagaon Chhattisgarh

**4 -** Lekhika Mandavi D/o Bishri Ram Aged About 43 Years Presently Working As Sub-Engineer, Public Works Department, Kanker, R/o Quarter No. G-6, Pwd Colony, Uday Nagar, District Kanker Chhattisgarh

**5 -** Deepika Kunjam W/o Chhattar Singh Kunjam Aged About 47 Years Present Working At Community Health Centre, Health Department, Narharpur, District Kanker R/o Res Colony, Ward No. 10, Narharpur, Res Colony, Kanker Chhattisgarh

**6 -** Peela Dau Kanwar S/o Late Shri Shankar Lal Kankwar Aged About 38 Years Presently Working As Teacher, Primary School, Amagudapara, Tehsil Kondagaon, District Kondagaon, R/o House No. 178, Sarkada, Sankara, District Gariyaband Chhattisgarh

**7 -** Mamta Gawde W/o Shri Sanwaru Gawde Aged About 43 Years Presently Working As Teacher, Upper Primary School, Ravbeda, District Kondagaon, R/o 23, Korgaon, Binghe, Tehsil Keshkal, District Kondagaon, Chhattisgarh

**8 -** Naklesh Shori S/o Shri Rama Ram Shori Aged About 44 Years Presently Working As Assistant At Community Health Centre, Health Department, Keshkal, District Kondagaon, R/o Nirachhindle, Post Singhanpur, Tehsil Keshkal, District Kondagaon, Chhattisgarh

**9 -** Dhaniram Netam S/o Late Shri Sukhram Netam Aged About 60 Years Presently Working As Lecturer (Principal) At Government Kanya Siksha Parisar, Pipra, (Bahigaon), Block Keshkal, District Kondagaon Chhattisgarh

**10 -** Suklal Netam S/o Shri Sunher Singh Netam Aged About 49 Years Presently Working As Assistant Grade-01 At N M D C Ltd., Bacheli Complex, District Dantewara, Chhattisgarh, R/o Qtr. No. 716/type-Ii/ds/cws Colony, Bacheli, District Dantewada, Chhattisgarh

**... Petitioner(s)**

**versus**

**1 -** The Union Of India Through Department Of Financial Services Ministry Of Finance, 3rd Floor, Jeevan Deep Building, Sansar Marg, New Delhi – 110001

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

**3 -** Reserve Bank Of India Through Governor, Reserve Bank Of India, 4th Floor, Amar Building, Sir P M Road Mumbai 400 001 (M.S.)

**4 -** Banking Ombudsman Reserve Bank Of India, Regional Office Raipur, Subhashish Parisar Satya Prem Vihar, Mahadev Ghat Road, Sunder Nagar, District Raipur Chhattisgarh

**5 -** Cholamandalam Investment And Finance Company Limited (C I F C L) Having Corporate Office At Chola Crest, C54-544 And Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai 600032

**6 -** Chhattisgarh Rajya Gramin Bank Through Chairman, Corporate Office Sector 24, Atal Nagar, Naya Raipur, Chhattisgarh

**7 -** Housing Development Finance Corporation Having Its Registered Office At Ramon House, 169, Backbay Reclamation, H T Parekh Marg, Churchgate, Mumbai - 400020, Maharashtra

**8 -** Axis Bank Limited Having Its Registered Office At Trishul, Opposite Samartheshwan Temple, Ellis Bridge, Ahmedabad - 380006 Gujarat

**9 -** Bank Of India Having Its Head Office At Star House, C-5, G Block, Bandra Kurla Complex, Bandra (East), Mumbai 400 051 Maharashtra

**10 -** Yes Bank Limited Having Its Head Office At Yes Bank Towern I F C 02, 23rd Floor, Senapati Bopat Marg, Elphinestone (W), Mumbai 400013 Maharashtra

**11 -** I C I C I Bank Limited Having Its Registered Office At I C I C I Bank Tower, Near Chakli Circle, Old Padra Road, Vadodara 390007, Gujarat

**12 -** State Bank Of India Having Registered Office At Corporate Centre, State Bank Bhavan, Madame Cama Road, Nariman Point, Mumbai, Maharashtra 400021

**13 -** Bank Of Baroda Through Its General Manager, Having Head Office At Baroda Bhawan, 7th Floor, R C Dutt Road, Vadodara 390007 Gujarat

**14 -** Collector District Kondagaon, Chhattisgarh

**15 -** Collector District Kanker Chhattisgarh

**16 -** Collector District Gariyaband Chhattisgarh

**17 -** Ajay Kumar Nag S/o Late Shri Punauram Nag Presently Working As Teacher At Government Sarva Shiksha Abhiyan Middle School, Tendubhata, Block Keshkal, District Kondagaon, R/o Village And Post Dhanora, Tehsil Keshkal, District Kondagaon, Chhattisgarh (Agent Of The Banks)

**18 -** Sunil Kishore Barwa S/o Shri Stanislaus Barwa Presently Working As Teacher At Government Tribal Welfare Department Primary School, Charbhata, Block Keshkal, District Kondagaon, R/o Village Dhumadand, Post Loro (Patratoli) Tehsil Kunkuri, District Jashpur Chhattisgarh (Agent Of The Banks)

**... Respondent(s)**

| | | |
|---|---|---|
| For Petitioner(s) | : | Mr. Aniruddh Singh, Advocate on behalf of Mr. Dhiraj Kumar Wankhede, Advocate |
| For State | : | Mr. Sabyasachi Choubey, Panel Lawyer |
| For Union of India | : | Ms. Anukriti Darro, Advocate on behalf of Mr. Ramakant Mishra, DSGI |
| For Respondent No.12 | : | Mr. Anumeh Shrivastava, Advocate |
| For respondent No.13 | : | Mr. Ankit Singhal, Advocate |
| For Respondent No.19 | : | Mr. Anand Shukla, Advocate |

**Hon’ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**22.04.2026**

1. This petition has been filed by the petitioner seeking for the following relief(s):-

> "10.1) The Hon'ble Court may kindly be pleased to call for the entire records leading to present case for the kind perusal of this Hon'ble Court;
>
> 10.2) The Hon'ble Court may further kindly be pleased to direct the Respondent No. 4 (Banking Ombudsman) to decide the complaint filed by the Petitioners within a time limit;
>
> 10.3) The Hon'ble Court may further kindly be pleased to restrain the Respondent No. 05 to Respondent No. 13 from taking any coercive action against the Petitioners
>
> 10.4) The Hon'ble Court may further kindly be pleased to direct the Respondent No. 4 (Banking Ombudsman) to initiate enquiry /investigation against the Respondent No. 05 to Respondent No. 13 and their respective officers with respect to their involvement in the illegal disbursement of personal loans to the Petitioners in gross violation of the notification, circular, and guidelines issued by the Respondent No. 3 (Reserve Bank of India);
>
> 10.5) The Hon'ble Court may further kindly be pleased to direct the Respondent No. 14 to Respondent No. 16 (State) to take necessary action to recover the personal loan amount from the Respondent No. 17 and Respondent No.18 in accordance with law;

> 10.6) Cost of the petition may also be granted to the petitioner.
>
> 10.7) Any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the petitioner, in the interest of justice.”

2. **<u>Facts of the case</u>** :- By way of the present writ petition under Article 226 of the Constitution of India, the petitioners challenge the illegal and unauthorized sanction and disbursal of multiple high-value personal loans by Respondent Nos. 05 to 13 (Respondent Banks), allegedly in collusion with Respondent Nos. 17 and 18 (Private Respondents), without their informed consent or due verification of creditworthiness. It is contended that the Private Respondents, acting as agents, induced the petitioners to avail a single loan, collected their documents and OTPs, and fraudulently facilitated multiple loans without any physical interaction or execution of documents by the petitioners. A substantial portion of the disbursed amounts was then siphoned off to the Private Respondents on false assurances of repayment of EMIs, which were discontinued after a few months, leading to coercive recovery actions by the banks. The petitioners, largely belonging to Scheduled Tribes and serving as government employees, allege deliberate targeting and collusion, supported by the rapid disbursal of multiple loans in a short span. Despite lodging complaints and registration of FIR dated 24.02.2026 bearing Crime No. 38/2026 at Police Station Keshkal, no effective

relief has been granted, necessitating the present petition.

3. Learned counsel for the the petitioners submits that the Respondent Banks, in blatant violation of applicable RBI notifications, guidelines, and circulars, have recklessly sanctioned multiple personal loans without assessing the creditworthiness of the petitioners, resulting in EMIs that are as high as twice their monthly salaries, thereby unlawfully subjecting them to an unbearable financial burden. It is further submitted that such loans were sanctioned on the basis of a single OTP, fraudulently obtained through the Private Respondents on false assurances that the EMIs would be duly serviced by them, whereas a substantial portion of the loan amounts was diverted to the accounts of the Private Respondents. The circumstances clearly disclose a deep-rooted collusion between the Respondent Banks and the Private Respondents, evident from the simultaneous disbursal of multiple loans within a short span despite OTPs having been obtained much earlier, and in complete disregard of RBI norms including the Fair Practices Code and Master Circulars governing lending practices. It is contended that the petitioners, predominantly belonging to vulnerable tribal areas and lacking financial literacy, were deliberately targeted and trapped in a debt cycle for the wrongful gain of commissions, interest, and ancillary charges. It is further submitted that the coercive actions of the Respondent Banks, including harassment through recovery agents, freezing of bank accounts, and illegal deduction of

salaries, have rendered the petitioners financially destitute, depriving them of basic means of sustenance and their ability to support their families. In such circumstances, the petitioners have no efficacious alternative remedy and are constrained to invoke the extraordinary jurisdiction of this Court seeking appropriate relief.

4. Considering the matter in its entirety, this Court is of the opinion that since the remedy available to the petitioners to file appropriate applications before the Banking Ombudsman, at this stage, it would be appropriate that a direction be given to the petitioners to pursue remedy before the Banking Ombudsman and the concerned Banking Ombudsman, who has receipt the copies of the complaints on 16.04.2025 is directed to consider the case of the petitioners and to pass appropriate orders while considering the matter on merits in accordance with law.

5. In that view of the matter, the petitioners are directed to file appropriate applications for grant of interim relief before respondent No.4 i.e. Banking Ombudsman Reserve Bank of India, Regional Office Raipur, Subhashish Parisar, Satya Prem Vihar, Mahadev Ghat Road, Sunder Nagar, District - Raipur, Chhattisgarh within a period of 15 days and, in turn the Banking Ombudsman concerned is directed to consider the said applications and to pass appropriate orders in accordance with law within a period of 30 days from the date of filing of the

applications by the petitioners.

6. Till the complaints are decided by the Banking Ombudsman, the Banking authorities are directed not to take any coercive steps against the petitioners.

7. With the aforesaid observation/direction instant petition stands disposed of.

Sd/-

**(Amitendra Kishore Prasad)**
**Judge**

Saxena