

D/L. 40.
November 17, 2023.
MNS.

WPA No. 25042 of 2023

Rubayet Chakraborty
Vs.
Punjab national Bank and another

Mr. Jishnu Saha,
Mr. Shounak Mukhopadhyay,
Ms. Ankita Chowdhury

... for the petitioner.

1. Learned senior counsel appearing for the petitioner argues that the petitioner was a personal guarantor in respect of a loan taken by the borrower-company, of which the petitioner was also a director.
2. The loan was taken on January 7, 2011. The petitioner thereafter resigned from the post of director on February 21, 2011. At the relevant juncture, there was no occasion of default to the knowledge of the petitioner. Subsequently, on August 29, 2011, the loan sanction was revised where the petitioner did not feature as a guarantor.
3. It is submitted that at no point of time intimation was given to the petitioner alleging any default and/or asking the petitioner to repay any debt. However, the petitioner learnt

subsequently that the petitioner's name is featuring in the defaulters' list published by the CIBIL for which loan was refused to the petitioner.

4. Challenging the action on the part of the Bank in seeking such inclusion of the petitioner in the CIBIL list, the present writ petition has been preferred.
5. The petitioner has made out a strong *prima facie* case.
6. However, at the time of hearing, none appears for the respondent-bank. An affidavit-of-service filed in Court be kept on record.
7. As a last chance to the respondent-bank to place its version before this court, the matter is adjourned till November 22, 2023, when it will be listed fairly at the top of the upgraded matters' list for passing final order.
8. The learned Advocate-on-record of the petitioner shall give a fresh notice intimating the next returnable date to the learned Advocate-on-record for the Bank in the meantime.

(Sabyasachi Bhattacharyya, J.)