

D/L.01.
April 01, 2026.
KAUSHIK

WPA No. 25042 of 2023

Rubayet Chakraborty
Vs.
Punjab National Bank & Anr.

Mr. Krishnaraj Thakkar
Ms. Shabana Khatun
... for the petitioner

Mr. Pankaj Kumar Mukherjee
... for the respondent no. 1

The petitioner seeks a mandamus directing the respondent no. 1 to remove and delete any information or report the name of the petitioner with the respondent no. 2 being the Trans Union Cibil Limited, a credit information company.

Briefly, the petitioner was a director of a company Purple Advertising Services Private Limited which had obtained a loan for Rs.1044.79 lacs in terms of a letter of sanction dated 7 January 2011. Subsequently, the borrower defaulted in re-payment of such loan. The petitioner, a guarantor resigned as director of the company within one month from the date of taking such loan. Prior to the default committed, the bank had also advanced a further sum of Rs. 2 crores to the borrower company.

In view of the admitted defaults by the petitioner company, proceedings have been initiated before the Debts Recovery Tribunal. In

the meantime, the petitioner has approached this Court on the ground that his name has been incorrectly recorded as a guarantor with the respondent no. 2. It is submitted on behalf of the petitioner that such inclusion by the respondent no. 2 would affect the creditworthiness and stellar reputation of the petitioner. The petitioner is threatened by such insertion by the respondent no. 2 and has approached this Court with the plea that from the documents relied on by the bank and in particular the sanction letter, there is no mention of the petitioner as guarantor.

On behalf of respondent bank, it is submitted that there has been distortion and misrepresentation of the true facts by the petitioner. The letter for the initial loan of sanction dated 7 January 2011 clearly mentions the name of the petitioner (under serial no. 3 against persons who have given a personal guarantee). In such circumstances, there is no legal right which the petitioner has been able to demonstrate to seek any order for removal or deletion of his name from the list which is maintained by the respondent no.2. The mere resignation as director cannot absolve the petitioner from liability. There is no question of granting of any discretionary relief in favour of a

person who has *prima facie* been involved in misappropriation of public funds.

In view of the proceedings initiated by the respondent bank, the liability of the petitioner or not would ultimately be decided in those proceedings.

In such circumstances, there is no merit in the writ petition. WPA 25042 of 2023 stands dismissed. It is made clear that the above order will not be binding on the Debts Recovery Tribunal or any Authority while adjudicating the underlying dispute of recovery of loan.

(Ravi Krishan Kapur, J.)