APHC010554102026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 30258/2026

Between:

1. ERUVARAKM HEMA CHANDRA, S/O PRABHAKAR REDDY E, AGE 39 YEARS OCC PRIVATE EMPLOYEE, R/O 1-4 NEAR GOVERNMENT SCHOOL, GUVVAKAILU PO THALAMBEDU, CHITOOR DISTRICT - 517 419.

...PETITIONER

AND

1. UNION OF INDIA, REP BY ITS SECRETARY MINISTRY OF FINANCE, NEW DELHI. 110001
2. RESERVE BANK OF INDIA, REP BY ITS CHIEF GENERAL MANAGER 6, SANSAD MARG, NEW DELHI - 110 001.
3. HDFC BANK, REP BY ITS CHIEF MANAGER HDFC BANK CARDS DIVISION, PO BOX NO 8654 DOOR NO. 94 SP, ESTATE BUS STAND, WAVIN MAIN ROAD MOGAPPAIR WEST, CHENNAI - 600 058.
4. KOTAK MAHINDRA BANK, REP BY ITS CHIEF MANAGER PLOT NO F3 AND F3-1, ROAD NO 22 WAGLE INDUSTRIAL ESTATE, KISAN NAGAR THANE WEST, MUMBAI - 400 604.
5. AXIS BANK LIMITED, REP BY ITS CHIEF MANAGER 40-1-55, VVR SQUARE, KALANAGAR, BENZ CIRCLE VIJAYAWADA, ANDHRA

PRADESH - 520 010.

6. SBI CARDS AND PAYMENT SERVICES LIMITED, REP BY ITS CHIEF MANAGER STATE BANK OF INDIA CREDIT CARDS UNIT NOS. 3C 3D AND 3E, 3RD FLOOR QUEENS PLAZA SARDAR PATEL ROAD, SECUNDERABAD - 500 003.

7. IDFC FIRST BANK, REP BY ITS CHIEF MANAGER, IDFC FIRST BANK TOWER, BANDRA-KURLA COMPLEX (BKX), BANDRA (EAST), MUMBAI -400 051.

8. ICICI BANK, REP BY ITS CHIEF MANAGER ICICI BANK TOWER, 7TH FLOOR, SURVEY NO. 115/27 PLOT NO. 12, NANAKRAMGUDA, FINANCIAL DISTRICT, GACHIBOWLI, HYDERABAD, TELANGANA - 500 032.

9. YES BANK LIMITED, REP BY ITS CHIEF MANAGER YES BANK HOUSE, OFF WESTERN EXPRESS HIGHWAY SANTACRUZ (EAST), MUMBAI - 400 055.

10. CRED LOAN, NEWTAP TECHNOLOGIES, NO. 769 AND 770, 100 FEET ROAD, 12TH MAIN ROAD, HAL 2ND STAGE, INDIRANAGAR, BENGALURU, KARNATAKA, INDIA - 560 038.

11. VRINDA FINLEASE LIMITED RUPEE ON TIME, REP BY ITS CHIEF MANAGER / NODAL OFFICER 3RD FLOOR, BUILDING NO. 91, SECTOR 44, GURUGRAM, HARYANA - 122 003.

12. LOAN ON TIP, REP BY ITS CHIEF MANAGER A-17/D, 3RD FLOOR, NARAINA INDUSTRIAL AREA, PHASE-2, NEW DELHI - 110 028.

13. DHANWALLE POWERED BY VANSHIKA MICRO CREDIT, REP BY ITS CHIEF MANAGER VO-656, WEWORK BERGER ONE, SECTOR 16B, C-001/A2, GAUTAM BUDDHA NAGAR, NOIDA, UTTAR PRADESH - 201 301.

14. CAPITAL NOW FINXER TECHNOLOGIES PRIVATE LIMITED, REP BY ITS CHIEF MANAGER / GRIEVANCE OFFICER ORBIT, 8TH FLOOR, SYMBYONT SMART SPACES, PLOT NO. 30/C, SY. NO. 83/1, RAIDURG, SERILINGAMPALLY MANDAL, HYDERABAD,

TELANGANA - 500 019.

15. BLINKR LOAN DEVAASHISH CAPITAL PRIVATE LIMITED, REP BY ITS CHIEF MANAGER MGF METROPOLIS MALL, GURUGRAM, HARYANA - 122 002.

16. CREDITWALLE A UNIT OF WOODLAND SECURITIES PRIVATE LIMITED, REP BY ITS CHIEF MANAGER PLOT NO. 599, FIRST FLOOR, UDYOG VIHAR PHASE-5, GURUGRAM, HARYANA - 122 016.

17. LOAN ONE, REP BY ITS CHIEF MANAGER T-28/1802, NIRALA ESTATE PH-LL, TECH ZONE-IV, GREATER NOIDA WEST, UTTAR PRADESH - 201 306.

18. PAISAUDHAR JUNOON CAPITAL SERVICES PRIVATE LIMITED, REP BY ITS CHIEF MANAGER APEX TOWER III, 2ND FLOOR, PROPERTY NO. 6, POCKET-3, BLOCK-B, SECTOR-17, DWARKA, SOUTH WEST DELHI - 110 078.

19. RUPEE LENDING JUBLEE DEALERS PRIVATE LIMITED, REP BY ITS CHIEF MANAGER GROUND FLOOR, A-96, LAJPAT NAGAR-I, NEW DELHI-110 024.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue an appropriate Writ, Order or Direction, more particularly in the nature of a Writ of Mandamus declaring the action of Respondent Nos. 3 to 19 and their agents in attempting to recover the amounts from the petitioner by resorting to intimidation, harassment, humiliation and abusive practices, in an arbitrary, illegal and high-handed manner, without following the due process of law and in violation of the Reserve Bank of India Circular dated 12.08.2022 bearing No. RBI/2022- 23/108, DOR.ORG.REC.65/21.04.158/2022-23, as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India and consequently, direct Respondent Nos. 3 to 19 to ensure that the agents engaged by them for recovery of the dues strictly adhere to the guidelines and instructions issued by the Reserve Bank of India, including the Circular dated 12.08.2022, and

the judgments of the Honble Supreme Court in ICICI Bank Ltd. V. Prakash Kaur (2007) 2 SCC 711 and ICICI Bank v. Shanti Devi Sharma (2008) 7 SCC 532, as directed by this Honble Court in W.P. No. 27687 of 2024 dated 02.12.2024

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the Respondent Nos. 3 to 19 not to resort to any coercive measures against the petitioner except through lawful means and in strict adherence to the Circular dated 12.08.2022 bearing No. RBI/2022-23/108 (DOR.ORG.REC.65/21.04.158/2022-23) issued by the Respondent No.2

Counsel for the Petitioner:

1. KALLA GUNA SEKHAR

Counsel for the Respondent(S):

1.

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 19 in harassing the petitioner and his family members by sending loan recovery agents to the house of the petitioner, by making continuous phone calls and humiliating them in front of neighbours without following the guidelines issued by Reserve Bank of India vide Memo No.RBI/2022-23/108, dated 12.08.2022.

2. Heard Sri K.Gunasekhar, learned counsel for petitioner, and the learned Central Government Counsel learned counsel for respondent no.1

3. Perused the record and considered the submissions made by the learned counsel for the parties.

4.The Hon'ble Apex Court ***in ICICI Bank Ltd. V. Prakash Kaur and others***[1] has categorically held that the practice of hiring recovery agents, who are musclemen, is deprecated and needs to be discouraged. The Bank should resort to procedure recognized by law if the borrower have committed default in payment of the installments instead of taking resort to strong arm tactics. However, as the respondents contend that they never sent agents and they have an intention to follow law for recovery, there is no purpose in keeping the writ petition pending, as such, this Court is inclined to dispose of the writ petition.

5. In view of the above, respondent nos.3 to 6, 8 & 9 should resort to procedure recognized by law if the borrower have committed default in payment of the installments instead of taking resort to strong arm tactics.

6. So far as respondent nos.7 & 10 to 19 are concerned, in **S. Shobha v. Muthoot Finance Ltd.**[2], the Hon'ble Supreme Court of India ruled that a writ petition under Article 226 of the Constitution is not maintainable against a private non-banking financial company (NBFC) or private commercial entities. Therefore, this writ petition filed against respondent nos.7 & 10 to 19 is not

[1] (2007) 2 SCC 711 n
[2].(2025 INSC 117)

maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

7. Accordingly, the writ petition is ***disposed of.*** However, the respondent nos. 3 to 6, 8 & 9 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. Further, the petitioner is at liberty to approach appropriate Forum for getting his grievance redressed against respondent nos.7 & 10 to 19. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

15th October, 2026

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