

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Present

Mr. Justice Sikder Mahmudur Razi
And
Mr. Justice Raziuddin Ahmed

Writ Petition No. 14846 of 2023

Md. Morshed Alam
.....Petitioner.

-Versus-

Bangladesh Bank, represented by its Governor,
Head Office-Bangladesh Bank Bhaban, Police
Station-Motijheel, District-Dhaka and others.
.....Respondents.

None appears
.....For the petitioner.
Mr. Ziaul Haque Sarker, Advocate
.....For the respondent No. 10.
Mr. Md. Touhidul Hasan, Advocate.
.....For the respondent No. 03 and 6.
Mr. Mohammd Mehdi Hasan, DAG with
Mr. Mohammad Rashadul Hassan, DAG with
Mr. Kamrul Islam, AAG with
Mr. Md. Shagar Hossain, AAG with
Mr. Bishwanath Karmaker, AAG with
Mr. S.K. Obaidul Haque (Wasim), AAG
....For the respondents

The 09th December, 2025

This is an application for discharging Rule on the ground stated therein.

Mr. Ziaul Haque Sarker, learned Advocate for the respondent No. 10-applicant by filing an application submits that the petitioner are the Chairman and guarantor of the defaulter borrower company and since the petitioners-borrower failed to repay the installments regularly against 02 different loan accounts the lender Financial Institution i.e. the Respondents No. 10-Applciant was under a legal obligation to send the default borrowers names to Bangladesh Bank under section 27KaKa of

the Bank Companies Act, 1991 and as such the Respondents No. 10-Applicant sent the name of the petitioner into CIB as defaulter on 31.01.2025 and 13.02.2025 respectively (Annexure-1 of the Affidavit-in-opposition). The learned advocate next submits that according to Chapter IV (Article 42-48) of the Bangladesh Bank Order, 1972-Bangladesh Bank is also authorized to collect and furnish credit information of the account holders. On the basis of the credit information provided by the concerned Bank or Financial Institution Bangladesh Bank prepares the CIB Report of the concerned person in good faith to discharge its statutory obligations and therefore, there is no illegality in that respect on the part of the Respondent No. 10 and as such the Rule is liable to be Discharged as being not maintainable.

The learned advocate next submits that, as per Article 41(1) of the Bangladesh Bank Order, 1972 no suit or other legal proceedings shall lie against the Bank or its officers for anything done or intended to be done in good faith in pursuance of Chapter IV of the Bangladesh bank Order, 1972. In support of such submission the learned advocate relies on the case of *Shirajul Islam vs. Bangladesh Bank*, 73 DLR (2021), 55, wherein it has been held that-

“.....Such publication by Bangladesh Bank is immune from any legal challenge through any suit or proceedings Under Article 41 of the Bangladesh Bank Order, 1972.”

In light of the above submissions, the learned advocate prays for discharging the Rule.

No one appears to oppose the application although copy of the same was duly served.

On the other hand, Mr. Md. Touhidul Hasan, learned advocate appearing on behalf of respondent nos. 03 and 06 supports the submissions of the learned advocate for the respondent no.10-applicant.

We have heard the learned Advocates for the respondent No.10-applicant. We have also gone through the application and materials on record.

The CIB listing is a regulatory mechanism that reflects the actual loan status of borrowers and creditors. It is neither punitive nor discretionary in nature; rather, it is a statutory requirement mandated by law. The petitioner squarely falls within the definition of a “defaulter borrower” as provided under section 5(GaGa) of the Bank Companies Act, 1991. The petitioner has failed to place any cogent or credible material on record to demonstrate that the respondent banks acted illegally or in violation of any provision of law in enlisting or forwarding his name for inclusion in the CIB database. Moreover, the petitioner has also failed to establish that his prayer for delisting his name from the CIB database without full repayment of the outstanding liabilities is supported by law or that the respondents acted with any *malafide* intention in this regard. In the case of *M/S Ripon Traders and others vs. Bangladesh Bank and others*, reported in 7 ADC (AD) 152 it has been held that-

“.....the High Court Division found that the petitioners could not produce any material to show that they were not defaulters, under

the provision of section 27KAKa of the Banking Companies Act, 1991 the respondents are required to send report to the Bangladesh bank and the Bangladesh Bank in turn is required in the interest of the borrowers and the economy to send such list of defaulting borrowers to each and every Banking Company and/or financial institution. The High Court Division has clearly found that the Bangladesh Bank has not violated any law or any right of the petitioners....."

The records maintained by the respondents unequivocally establish that the petitioner's outstanding liabilities, including accrued interest and applicable penalties, remain unpaid. Any direction for removal of the petitioner's name from the CIB database without full liquidation of the outstanding dues would run contrary to the relevant statutory provisions. Moreover, the petitioner's prayer for delisting from the CIB database, despite an admitted subsisting liability, manifestly reflects a *malafide* attempt to evade lawful repayment obligations.

Accordingly, we find substance in the instant application and resultantly, the same is allowed and thereby the Rule issued in the instant matter is discharged. The interim order passed at the time of issuance of the Rule, if there be any, is hereby recalled and vacated.

Communicate the judgment to the concerned authority, at once.

I agree

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(Sikder Mahmudur Razi, J.)

.....
(Raziuddin Ahmed, J.)