

Court No. - 6

Case :- WRIT - C No. - 26199 of 2023

Petitioner :- Om Prakash Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Om Prakash Singh

Counsel for Respondent :- C.S.C., Ashish Agrawal, Purnendu Kumar Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

The petitioner has preferred this writ petition inter alia challenging recovery notice dated 20.01.2023 issued by respondent no. 2 and for a direction upon the respondent Bank to calculate the account of the petitioner adjusting 25% subsidy under the NABARD Scheme.

On the basis of instructions called from respondent Bank, learned counsel for the respondents submits that there is no provision of giving subsidy in loan for poultry farming and National Bank for Agriculture and Rural Development (NABARD) merely releases subsidy to financing banks based on guidelines of Government of India. In the present situation, where the loan has been sanctioned by respondent no. 3 to the petitioner, he had applied for said loan to start a poultry farm under Poultry Farming Scheme called as National Livestock Mission Scheme which the respondent no. 4 has been authorized to implement on behalf of the Government of India. The respondent no. 4, in such a case, is only implementing authority of the scheme under the terms of the scheme, the loanee had to fulfill all the terms and conditions of the scheme otherwise the subsidy was liable to be cancelled.

In view of the aforesaid, this Court feels that the petitioner did not fulfill the terms and conditions of the scheme, therefore, he

cannot claim for grant of subsidy as a matter of right.

Having heard learned counsel for the parties and perused the record, the writ petition is disposed of with a direction that in case the petitioner moves a representation before respondent no. 3 - Bank within two weeks from today for redressal of his grievance regarding payment of subsidy, decision shall be taken thereon by the authority concerned within two months by a reasoned and speaking order.

It is made clear that this Court has not expressed any opinion on the merits of the case. The authority shall pass the order independently and in accordance with law.

No order as to costs.

Order Date :- 21.11.2023

DS