

**THE HIGH COURT OF TRIPURA
AGARTALA**

W. P.(C) No.133 of 2015

Smt. Dipti Roy,
wife of Sri Gopal Saha,
resident of Village-Kalipur,
P.O. Paitur Bazar, Kailashahar,
District-Unakoti, Tripura, Pin-799 279

.....Petitioner

- Vs -

1. The Commissioner for Khadi and Village Industries,
Ministry of Micro, Small & Medium Enterprises,
Government of India,
State Office:
Assam-Agartala Road, Agartala, Pin-799 004
2. The Director/Member,
Task Force Committee, (Unakoti, Tripura)
Khadi and Village Industries,
Ministry of Micro, Small & Medium Enterprises,
Government of India,
State Office:
Assam-Agartala Road, Agartala, Pin-799 004
3. The Branch Manager,
United Bank of India, Kailashahar Branch,
PO & PS – Kailashahar, District – Unakoti, Tripura,
Pin-799 277
4. Sri Trilochan Pal,
Field Officer,
United Bank of India, Kailashahar Branch,
PO & PS – Kailashahar, District – Unokoti, Tripura,
Pin-799 277

.....Respondents

B E F O R E

THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner : Mr. G. S. Bhattacharjee, Advocate
For the respondents No.1 & 2 : Mr. A. Lodh, Advocate
For the respondents No.3 & 4 : Mr. A. Roy Barman, CGC
Date of hearing and delivery : **29.09.2015**
of Judgment and order
Whether fit for reporting : **NO**

Judgment and Order (Oral)

Heard Mr. G. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. A. Lodh, learned counsel appearing for the respondents No.1 and 2 and Mr. A. Roy Barman, learned CGC appearing for the respondents No.3 and 4.

02. The controversy that falls for consideration in this writ petition is that even though the Task Force Committee of Unakoti district for Khadi and Village Industries Commission has recommended the name of the petitioner for a term loan to the extent of Rs.11,00,000/- along with Rs.4,00,000/- of cash credit for mechanical biscuit bakery unit subject to technical feasibility and economic viability. The said Task Force Committee has made the recommendation to the Branch Manager, United Bank of India, Kailashahar Branch by a letter dated 8/9.07.2013, Annexure-P/1 to the writ petition.

03. The petitioner's grievance is that thereafter she made several communications to the bank authority for releasing the said amount after techno financial feasibility study but the bank did not respond to her request. It appears to the petitioner from the letter dated 28.11.2014, Annexure-P/3 to the writ petition, that the Task Force Committee, Unakoti District for the Commissioner for the Khadi & Village Industries has re-sponsored the said project of the petitioner and requested the Branch Manager, UBI, Kailashahar Branch (the respondent No.3) to finance the said project. It has been also recorded in the said re-sponsoring recommendation that *"Target for the year 2014-15 is prepared commonly for three*

implementing agencies viz. KVIC/KVIB/DIC and distribution are to be made like as 30:30:40 ratio”.

04. The said recommendation is, no doubt, subject to the certain conditions which are also provided in the said re-sponsoring recommendation dated 25.11.2014. Since for disposal of this writ petition, those conditions are of no importance, this court refrains from reproduction of those conditions. It further appears that the petitioner had also approached the respondents No.1 and 2 on numerous occasions. Finally, a demand notice was issued to the Branch Manager, UBI (the respondent No.3) through the petitioner’s lawyer. Even the petitioner was not given EDP training, application form and margin money claim paper which were sent to the respondent No.3 by the Task Force Committee. The Branch Manager, UBI, Kailashahar Branch, the respondent No.3 did not take any pro-active step. The petitioner’s effort to make them active yielded in no result whatsoever.

05. Mr. G. S. Bhattacharjee, learned counsel appearing for the petitioner has submitted that the respondent No.3 even did not show any courtesy to apprise why they were not releasing the fund or they were not making arrangement for the required training as to the management of the finance and the technicalities relating to the project.

06. For the respondents No.1 and 2, a separate counter affidavit has been filed. Mr. A. Lodh, learned counsel while representing those respondents No.1 and 2 has submitted that they have time and again made request to the Branch Manager,

UBI, Kailashahar Branch to honour the recommendation as made by the Task Force Committee in terms of the standing order No.1673 which deals with implementation of the Prime Minister's Employment Generation Programme, in short PMEGP.

07. There is no dispute that the said project has the linkage with the said scheme and the respondents No.3 and 4 otherwise have the obligation to implement the recommendation of the Task Force Committee which is an instrumentality of Khadi and Village Industries Commission.

08. Mr. A. Roy Barman, learned CGC appearing for the respondents No.3 and 4 based on the counter affidavit filed by those respondents has stated that the petitioner filed the complaints to various authorities including the Regional Manager, UBI and even to the Prime Minister's Office. In the counter affidavit they have asserted that the bank received a letter from PMO seeking explanation in the matter of the complaint of Smti. Dipti Roy on 02.03.2015. Kailashahar Branch of the bank was asked to explain the matter by the Head Office of UBI and in that course, the Kailashahar Branch apprised the entire fact to the DGM, Customer Services, UBI on 23.03.2015 stating that PMEGP proposal of Mrs. Dipti Roy for the year 2014-15 was returned to her sponsoring agency KVIC along with other proposals on 05.12.2014 vide letter No. UBI/KSR/ADV/PMEGP/KVIC/294/1/2014, mentioning the reason for return of the proposal. Mr. Roy Barman, learned CGC at the requisition of the court has placed a copy of the said communication dated 05.12.2014 addressed to the Director,

Tripura Khadi & Village Industries Commission, Assam-Agartala Road, Agartala-799001 where they have stated as under:

"We are sending herewith the Proposals of 06 persons sponsored for the year 2014-15 as these are not in our service area. The list and Proposals are enclosed herewith."

Out of those six proposals which were returned, the proposal made in favour of the petitioner also figured.

09. It is really disturbing to note that the respondents No.1 and 2 without knowing to which Branch of the bank the proposals were to be sent they sent the proposal to a branch which is not even competent to deal with such project. As such, the respondents No.3 and 4 cannot be held responsible for the agony that the petitioner has undergone. Even though in these matters this court is very reluctant to exercise its jurisdiction under Article 226 of the Constitution of India but when a citizen having been harassed by the agency who are responsible for implementing an important programme called Prime Minister's Employment Generation Programme approached this court, this court must exercise its equity jurisdiction to accelerate the process in order to achieve of the espoused object of that programme.

10. Having regard to this aspect of the matter, the respondents No.1 and 2 are directed to make necessary inquiry to find out which is the competent bank to finance and guide the persons who have been recommended by the Task Force Committee within a period of 30 (thirty) days from today and to re-sponsor the proposals to the appropriate branch to deal with such proposals. Not only this, the respondents No.1 and 2 shall monitor

and take a pro-active role so that these proposals are acted up by the concerned branch. If necessary, they shall form a committee to monitor realisation of the proposal within a reasonable time.

With this observation and direction this writ petition stands disposed of. There shall be no order as to costs.

JUDGE

MB