IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 4462 of 2015 (G)

PETITIONER(S):

AMBIKA DEVI, AGED 56 YEARS,
W/O.LATE B.MURALIDHARAN, PRASANTHI, DESOM P.O.,
ALUVA, ERNAKULAM DISTRICT.

BY ADVS.SRI.P.N.SUKUMARAN
SRI.P.S.APPU
SRI.K.A.ANAS

RESPONDENT(S):
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1. STATE BANK OF INDIA,
   MOOZHIKKULAM BRANCH (08648), KURUMASSERY P.O.,
   ERNAKULAM DISTRICT, PIN-683 579,
   REPRESENTED BY ITS BRANCH MANAGER,
   MOOZHIKKULAM BRANCH.

2. BRANCH MANAGER,
   STATE BANK OF INDIA, MOOZHIKKULAM BRANCH (O8648),
   KURUMASSERY P.O., ERNAKULAM DISTRICT, PIN-683 579.

3. CHIEF GENERAL MANAGER,
   STATE BANK OF INDIA, LOCAL HEAD OFFICE, S.S.KOVIL ROAD,
   THAMPANOOR, THIRUVANANTHAPURAM, PIN-695 001.

BY ADVS. SRI.K.K.CHANDRAN PILLAI (SR.)
SMT.S.AMBILY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 4462 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32119610449 AND LEDGER FOLIO NO.1289/11 DTD.3-1-2012 FOR AN AMOUNT OF RS.3,00,000/-

EXT.P2 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32122228136 AND LEDGER FOLIO NO.1300/11 DTD.4-1-2012 FOR AN AMOUNT OF RS.3,00,000/-

EXT.P3 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32133347897 AND LEDGER FOLIO NO.1441/11 DTD.10-1-2012 FOR AN AMOUNT OF RS.1,34,000/-

EXT.P4 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32137376867 AND LEDGER FOLIO NO.1258/11 DTD.13-1-2012 FOR AN AMOUNT OF RS.2,87,000/-

EXT.P5 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.3214083763 AND LEDGER FOLIO NO.1273/11 DTD.14-1-2012 FOR AN AMOUNT OF RS.1,52,000/-

EXT.P6 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32167961966 AND LEDGER FOLIO NO.1469/11 DTD.1-2-2012 FOR AN AMOUNT OF RS.2,21,000/-

EXT.P7 : THE TRUE PHOTOCOPY OF THE MEMORANDUM ISSUED BY THE RESPONDENT NO.1 IN GOLD LOAN NO.32334446324 AND LEDGER FOLIO NO.282/12 DTD.16-5-2012 FOR AN AMOUNT OF RS.3,00,000/-

EXT.P8 : TRUE PHOTOCOPY OF THE COMPLAINT GIVEN TO RESPONDENT NO.3.

EXT.P9 : TRUE PHOTOCOPY OF THE POSTAL RECEIPT DT.19-11-13.

EXT.P10 : TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CARD EVIDENCING THE RECEIPT OF EXT.P8 COMPLAINT.

EXT.P11 : TRUE PHOTOCOPY OF THE LETTER DTD.20-1-14 ISSUED BY RESPONDENT NO.2.

EXT.P12 : TRUE PHOTOCOPY OF THE COMPLAINT DTD.22-2-14 GIVEN TO CHIEF MINISTER AND DISTRICT COLLECTOR.

EXT.P13 : TRUE PHOTOCOPY OF THE INTIMATION OF CLOSURE OF COMPLAINT FROM THE OFFICE OF BANKING OMBUDSMAN DTD.30-4-2014.

EXT.P14 : TRUE PHOTOCOPY OF THE NOTICE DT.22-1-15 ISSUED BY RESPONDENT NO.1.

Msv/

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RESPONDENT(S)' ANNEXURES:

ANNEXURE 1: COPY OF CIRCULAR DTD.21.9.2010 ISSUED BY THE BANK.

ANNEXURE 2: COPY OF LETTER ISSUED BY THE RESERVE BANK OF INDIA DTD.21.1.2015.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 4462 of 2015

Dated this the 09th day of September, 2015

JUDGMENT

The petitioner is the widow of late B. Muralidharan Prasanthi. Shri. B. Muralidharan Prasanthi availed seven separate agricultural gold loans from the respondent-Bank totalling Rs.16,94,000/-.

2. The petitioner's case is that the entire loan is an agricultural gold loan and the respondents are liable to levy only 7% of the interest, applicable to the agricultural gold loan.

3. The learned counsel for the petitioner submits that the petitioner is prepared to clear the entire liability in the loan amount, if the interest is re-calculated at 7%.

4. The learned Senior Counsel appearing for the respondent-Bank submits that with reference to the counter affidavit filed in the writ petition, an individual farmer is entitled for relief of Rs.3 lakhs only and the rate applicable for that loan is for repayment within one year and if the amount is not paid within one year, the loanee will not get the benefit

of 3% interest subsidy, it will be converted as an ordinary commercial loan.

5. Essentially, the Bank raised the contentions based on the scheme of the loan by which loan was advanced to the petitioner's husband. If the petitioner has any dispute regarding the scheme, the petitioner is free to raise objections before the appropriate forum. In view of the scheme as such, this Court cannot order that the liability shall be worked out at 7% interest.

In that view of the matter, the writ petition is disposed. However, the petitioner is free to discharge the liability, the petitioner is given one month time from today. It is open for the Bank to consider request to give any concession to the petitioner.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr