IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 33305 of 2014 (K)

PETITIONER(S):

K.P. VISHWANATHAN, S/O.GOVINDAN NAIR,
RESHMI BHAVAN, MALLUR KADAVU,
KUTHUPURAM- 679 571, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF.

RESPONDENT(S):
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1. THE STATE BANK OF TRAVANCORE,
   KUTHUPURAM BRANCH,
   (ASSOCIATE OF STATE BANK OF TRAVANCORE),
   REPRESENTED BY ITS BRANCH MANAGER,
   KUTUPURAM, MALAPPURAM DISTRICT- 679 571.

2. CANARA BANK,
   REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
   HEAD OFFICE NO.122, OPP. TOWN HALL, J.C. ROAD,
   BANGALORE- 560 002.

3. MINISTRY OF FINANCE,
   REPRESENTED BY ITS SECRETARY,
   GOVERNMENT OF INDIA, NEW DELHI- 110 001.

4. THE CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT OF KERALA, SECRETARIAT,
   THIRUVANANTHAPURAM -695 001.

5. THE DEPUTY TAHSILDAR (RR),
   TIRUR- 676 101, MALAPPURAM DISTRICT.

R1 BY SRI.T.SETHUMADHAVAN, SENIOR ADVOCATE.
ADVS. SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR.
R2 BY ADV. SRI.PAULY MATHEW MURICKEN, SC.
R3 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R4 & R5 BY GOVT. PLEADER SMT.M.T. SHEEBA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 33305 of 2014 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1.	COPY OF THE PASSBOOK ENTRIES OF THE LOAN.
EXHIBIT P2.	COPY OF THE INTERIM BUDGET SPEECH 2014-15 OF THE THEN FINANCE MINISTER.
EXHIBIT P3.	COPY OF THE GO(MS)NO.48/2013/PLANNING DATED 01.10.2013.
EXHIBIT P4.	COPY OF THE INCOME CERTIFICATE OF THE PETITIONER.
EXHIBIT P5.	COPY OF THE COURSE AND CONDUCT CERTIFICATE ISSUED BY THE HEAD OF INSTITUTION OF PETITIONER'S SON.
EXHIBIT P6.	COPY OF THE COURSE COMPLETION CERTIFICATE ISSUED BY THE INSTITUTION OF PETITIONER'S SON.
EXHIBIT P7.	COPY OF THE CERTIFICATE SHOWING THAT PETITIONER IS UNEMPLOYED.
EXHIBIT P8.	COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 4TH RESPONDENT.
EXHIBIT P9.	COPY OF THE CLAIM CERTIFICATE OF THE 1ST RESPONDENT BANK.

RESPONDENT'S EXHIBITS:-

ANNEXURE R2A	COPY OF THE SCHEME GUIDELINES FOR PROVIDING RELIEF ON INTEREST OUTSTANDING COMPONENT AS ON 31/12/2013 FOR ALL EDUCATIONAL LOANS SANCTIONED/ AVAILED UP TO 31/03/2009 AND OUTSTANDING AS ON 31/12/2013.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.33305 of 2014

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Dated this the 27th day of July, 2015

JUDGMENT

The petitioner and his son availed an education loan from the first respondent Bank. The loan was availed in the year, 2003. The petitioner approached this Court challenging revenue recovery proceedings. The petitioner has a serious dispute regarding not crediting the interest subsidy under the Scheme floated by the Central Government.

2. Learned standing counsel for the Bank submitted that the Bank have already credited Rs.24,478/- towards interest subsidy in the petitioner's account based on the Scheme provided by the Central Government.

3. The petitioner submits that he would have been entitled to set off to a higher amount, had he not paid substantial amount in the loan account towards principal and interest. It appears that the petitioner has sold his property and liquidated the liability and paid substantial amount in the loan account towards principal and interest.

4. The learned Assistant Solicitor General has produced guidelines for providing relief on interest outstanding component as on 31.12.2013.

5. It is true; the petitioner would have been entitled for more benefit if he remained as defaulter for substantial portion of the interest based on the Scheme.

6. It is submitted by the learned counsel for the petitioner that son of the petitioner for whom the loan was availed, now remains unemployed and they are undergoing difficult times and the Bank may be directed to consider waiver of certain portion of interest including penal interest.

This Court is of the view that the Bank shall consider the petitioner's request and if possible, to arrive at an one time settlement of the liability. Therefore, appropriate decision shall be taken by the first respondent Bank in this matter within a period of two months. The petitioner shall make a request within two weeks from the date of receipt of a copy of this judgment. Till a decision is taken by the Bank, all coercive steps shall be deferred.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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