**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION Nos: 24536, 25131, 25749, 25983, 26263, 26291, 26415, 26626, 26663, 26868, 26961, 27081, 27349, 27350, 27497, 27619, 27664, 27703, 27924, 27950, 28232, 28269, 28333, 28411, 28505, 28513, 28587, 28771, 28821, 28957, 29116 of 2008, 349, 493, 664, 848, 863, 938, 941, 1129, 1219, 1519, 1592, 1603, 1697, 1702, 1826, 2199, 2578, 2763, 3425, 3461, 3641, 3908, 4470, 4472, 6283, 6327, 6495, 6497, 6739, 6740, 6742, 6748, 6802, 7317, 7366, 7976, 8076, 8213, 8349, 8506, 9077, 9286, 10537, 10550, 10563, 10565, 11083, 11182, 11183, 11184, 11250, 11468, 11714, 12387, 12829, 13142, 13226, 13471, 13638, 13867, 13868, 13912, 15097, 15103 of 2009, 15105, 15423, 15603, 16441, 17472, 19049, 19755, 22180, 22255, 28198 of 2009, 14550, 14729 of 2010, 10443 & 24023 of 2012.**

**COMMON ORDER:**

In all these writ petitions, the proceedings dated 14.06.2008, issued by the Andhra Pradesh State Cooperative Bank Limited (APCOB), withdrawing their earlier letter dated 05.06.2008, are challenged. The issue in all these cases has arisen on account of the clarification sought to be issued by the APCOB in relation to the implementation of the Agricultural Debt Waiver and Debt Relief Scheme, 2008 notified by the Central Government.

In all these cases, the Primary Agricultural Cooperative Societies (PACSs), lending institutions, of the respective Districts in the State of Andhra Pradesh and some of their Members, who have made applications to the respective PACSs seeking loan waiver in terms of the Scheme, are the petitioners.

Heard learned counsel appearing for the respective petitioners, Ms.V.Uma Devi, learned Standing Counsel for NABARD, Sri A.H.Rama Krishna Rao, learned Standing Counsel for APCOB, Sri B.Narayana

Reddy, learned Assistant Solicitor General and the learned Standing Counsel for the respective DCCBs.

The common point urged in all these writ petitions is that since a similar writ petition being W.P.No.20251 of 2008 filed by the Primary Agricultural Cooperative Societies of Nalgonda District was admitted by this Court and an interim order was passed in W.P.M.P.No.26430 of 2008 dated 14.10.2008 directing the respondents to extend the benefit to the members of the petitioner society, strictly in accordance with the scheme and in particular with reference to the dates mentioned in Clause 4 thereof, these writ petitions may also be disposed of in terms of the said interim order, however, by giving liberty to the respective farmers to espouse their grievance, if any, in the event of their cases having not been considered.

The interim order dated 14.10.2008 passed by this Court in W.P.M.P.No.26430 of 2008 in W.P.No.20251 of 2008, reads as under:

> "When the matter was listed for admission on 22.09.2008, notice before admission was ordered and the contesting respondents were represented by their counsel.
>
> Prima facie, it is evident that in its Agricultural Debt Waiver and Debt Relief Scheme, 2008, the Government of India extended the relief in respect of all the loans disbursed up to 31.03.2007, overdue as on 31.12.2007 and remaining unpaid till 29.02.2008. The same is evident from Clause-4 of the Scheme.
>
> From the material placed before this Court, it is evident that Andhra Bank and other financial institutions have extended the benefit, strictly following Clause4. The letter, dated 05.06.2008, was issued by the A.P. Cooperative Bank Limited. However, it is in slight deviation from the Scheme. Instead of identifying the beneficiaries by verifying whether or not they were due any amount as on 31.12.2007, a different interpretation is sought to be placed.

Hence, there shall be interim direction to the effect that the respondents shall extend the benefit to the members of the petitioner society, strictly in accordance with the Scheme and in particular with reference to the dates mentioned in Clause 4 thereof."

Clauses 7 and 10 of the Scheme notified by the Central Government deal with "implementation" and "obligations of the lending institutions" under the Scheme, which read:

***7. Implementation***

*7.1. Every branch of a scheduled commercial bank, regional rural bank, cooperative credit institutions, urban cooperative bank and local area bank covered under this Scheme shall prepare two lists, one consisting of 'small and marginal farmers' who are eligible for debt waiver and the second consisting of 'other farmers' who are eligible for debt relief under this Scheme. The lists shall include particulars of the landholding, the eligible amount and the amount of debt waiver or debt relief proposed to be granted in each case. The lists shall be displayed on the notice board of the branch of the bank/society on or before June 30, 2008.*

*7.2 A farmer classified as 'small farmer' or 'marginal farmer' will be eligible for fresh agricultural loans upon the eligible amount being waived.*

*7.3. A farmer classified as 'other farmer' eligible for OTS relief shall give an undertaking agreeing to pay his share (that is eligible amount minus the amount of OTS relief) in not more than three installments and the first two installments shall be for an amount not less than one-third of his share. The last dates of payment in the case of three installments will be September 30, 2008; March 31, 2009 and June 30, 2009.*

*7.4. The undertaking shall be in such form as may be prescribed by RBI/NABARD.*

*7.5. The amount of OTS relief (i.e. the Central Government's share) will be credited to the account of the 'other farmer' upon the farmer paying his share in full.*

*7.6. In the cases of a short-term production loan, the 'other farmer' will be eligible for fresh short-term production loan upon paying one-third of his share.*

*7.7. In the case of an investment loan (for direct agricultural activities or allied activities), the 'other farmer' will be eligible for fresh investment loan upon paying his share in full.*

*7.8 Reserve Bank of India shall be the nodal agency for the implementation of the Scheme in respect of scheduled commercial banks, urban cooperative banks and local area banks. NABARD shall be the nodal agency in respect of regional rural banks and cooperative credit institutions.*

***10. Obligations of the lending institutions***

*10.1 Every lending institution shall be responsible for the correctness and integrity of the lists of farmers eligible under this Scheme and the particulars of the debt waiver or debt relief in respect of each farmer. Every document maintained, every list prepared and every certificate issued by a lending institution for the purposes of this Scheme shall bear the signature and designation of an authorized officer of the lending institution.*

*10.2. Every lending institution shall appoint one or more Grievance Redressal Officers for each State (having regard to the number of branches in that State). The name and address of the Grievance Redressal Officer concerned shall be displayed in each branch of the lending institution. The Grievance Redressal Officer shall have the authority to receive representations from aggrieved farmers and pass appropriate orders thereon. The order of the Grievance Redressal Officer shall be final.*

*10.3 Any farmer who is aggrieved on the ground that his name has not been included in either of the two lists referred to in paragraph 7.1 or on the ground that his name has been included in the wrong list or on the ground that the relief granted to him has been calculated wrongly, may make a representation through the branch from which he received the loan or directly to the Grievance Redressal Officer of the lending institution concerned and every such representation shall be disposed of within 30 days of receipt thereof.*

In terms of Clause 7.1 of the Scheme, the lending institutions, as defined in terms of Clause 2.1 of the Scheme, are required to prepare two lists, one consisting of 'small and marginal farmers' who are eligible for debt waiver and the second consisting of 'other farmers' who are eligible for debt relief under the Scheme, setting out clearly the particulars of their landholding, eligible amount and amount of debt waiver or debt relief proposed to be granted in each case and the said lists are required to be displayed on the notice board of the branch of the bank/society on or before June 2008.

In terms of Clause 10.3 of the Scheme, if any farmer is aggrieved, on the ground that his name has not been included in either of the two lists prepared in terms of Clause 7.1 or on the ground that his name has been included in the wrong list or on the ground that the relief granted to him has been calculated wrongly, may make a representation through the branch from which he received the loan or directly to the Grievance Redressal Officer of the lending institution concerned and every such representation shall be disposed of within 30 days of receipt thereof.

In all these cases, learned counsel for the respective petitioners assert that the PACSs had identified the eligible farmers to avail the loan waiver scheme and they had, in fact, submitted their respective lists to the concerned DCCBs who, in turn, forwarded the same to the APCOB. In all these cases, the interim order similar to one passed by this Court in W.P.M.P in W.P are passed.

Though an effort is made by some of the learned counsel for the individual members of PACS espousing their grievance that their claims were not considered in the absence of necessary factual data relating to the nature of loan, tenure, payment schedule etc., this Court is not inclined to deal with the same. However, with a view to protect the interests of the agriculturalists/members of the society, liberty is given to them to make their claims in the event they are aggrieved as their main grievance pertains to the due dates of Kharif and Rabi crop loans etc. may be noted that different dates are fixed for different districts with respect to Rabi and Kharif seasons. Therefore, the due dates of the said loans shall be taken as per the loan agreements for consideration and if the due dates of the said loans are within the terms of the scheme, they shall accordingly, be considered.

It is the submission of the learned counsel for the petitioners that even though the Scheme is of the year 2008 and the entire exercise ought to have been completed within few months from the date of the notification of the Scheme, as the very Scheme provides for submission of lists by the PACSs on or before 30.06.2008 and the time granted for approaching the Grievance Redressal Officer is 30 days, there is enormous delay in processing the same. In that view of the matter, the respective agencies viz., the Central Government, APCOB and NABARD shall ensure that the respective applications of the PACSs are processed strictly in accordance with the Scheme notified by the Central Government and they be intimated of the amount sanctioned by determining the eligible members and their respective amounts, if already have not been processed pursuant to the interim orders passed by this Court in the writ petitions keeping in view of the above observations. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

With the above observations, all the writ petitions are disposed of.

The miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

**CHALLA KODANDA RAM,J**

15th December, 2015
JSU/Gk.

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION Nos: 24536, 25131, 25749, 25983, 26263,**

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**Date: 15.12.2015**

**JSU/Gk**