

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 646 of 2016

Rajendra Kishore Bhardiya S/o Bhimendra, Aged About 45 Years R/o Village Bhara, Tah. Patan, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Co Operation Mahanadi Bhavan Naya Raipur District Raipur Chhattisgarh
2. Registrar Co Operative Societies Department Of Co Operation Indravati Bhavan, Naya Raipur, District Raipur Chhattisgarh
3. Chief Executive Officer, District Central Co Operative Bank, G.E. Road, Durg, District Durg Chhattisgarh
4. Branch Manager, District Central Co Operative Bank Branch Jamgaon (R) Tahsil Patan District Durg Chhattisgarh
5. Manager, Seva Sahakari Samaiti Bharar, Village Bharar, Tahsil Patan, District Durg Chhattisgarh
6. National Bank Of Agriculture And Rural Development(N.A.B.A.R.A.D.) Regional Office, Pithalia Complex Fafadih, Chowk Raipur, District Raipur Chhattisgarh Through The Chief General Manager,

---- Respondents

For Petitioner : Shri C.K. Sahu, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/03/2016

Heard.

1. This petition has been filed by the petitioner aggrieved by demand notice dated 30.10.2015 (Annexure P-4) by which towards recovery of loan, a

higher rate of interest is sought to be recovered.

2. Learned counsel for the petitioner submits that in view of the State Govt. circular dated 18.11.2010, recovery of interest in excess of 3 per cent is not admissible.
3. The petitioner has submitted a representation to the authority on 2.12.2015. As there exists a circular of the State Govt. stating the manner and the extent to which the interest can be imposed, the Co-operative Bank is obliged to consider the same and take a decision in the matter before proceeding to recover the loan along with interest from the petitioner. Let the decision be taken by the Cooperative Bank/respondent No.4 within 4 weeks.
4. Till the decision is taken, coercive steps should not be taken towards recovery against the petitioner.
5. The petition is accordingly disposed off at this stage.

Sd/-
(Manindra Mohan Shrivastava)
Judge