IN THE HIGH COURT OF JUDICATURE AT BOMBAY, AURANGABAD BENCH, AT AURANGABAD.

Writ Petition No. 1950 of 2013

District : Jalna

Bhaskar s/o. Bansi Magare,
Age : 47 years,
Occupation : Agriculture,
R/o. Patharwala, Taluka : Ambad,
District : Jalna. .. Petitioner.

versus

1. The State of Maharashtra,
   Through the Secretary,
   Department of Agriculture,
   Mantralaya, Mumbai.

2. The District Collector,
   Jalna, District : Jalna.

3. The Dispute Redressal Officer and
   Dy. General Manager,
   State Bank of Hyderabad,
   Divisional Office, Town Centre,
   CIDCO, Aurangabad.

4. The Manager,
   State Bank of Hyderabad,
   Branch Shahagad,
   District : Jalna. .. Respondents.

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Mr. B.R. Kedar, Advocate, for the petitioner.

Mr. S.N. Morampalle, Asst. Government Pleader, for respondent nos.1 and 2.

Mr. Ruturaj Patil, Advocate, for respondent nos.3 and 4.

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CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.

DATE : 11TH JANUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.)* **:**

1. Mr. Kedar, the learned Counsel for the petitioner, submits that the petitioner is marginal and small farmer as per the definition in the Agricultural Debt Waiver and Debt Relief Scheme, 2008. The learned Counsel submits that in view of the same, the petitioner is entitled for the remission of complete debt. However, the respondent - Bank has given benefit of only Rs. 36,000/- i.e. the amount overdue.

2. Mr. Patil, the learned Counsel for respondent nos.3 and 4 - Bank, submits that the loan in question was an investment loan and for a person to be entitled from the category of small and marginal farmer, the investment loan should not exceed Rs. 50,000/-. In the present case, the investment loan exceeds Rs. 50,000/-. Therefore, remission of Rs. 36,000/- has been rightly given to the petitioner.

3. We have considered the whole Agricultural Debt Waiver and Debt Relief Scheme. The loan in question was not a crop loan. However, it was a loan for purchase of tractor which falls in the category of investment loan. Explanation has been given in the said scheme itself, more particularly, Explanation 3 to Clause 3. It has been made clear that in case of a farmer who has obtained investment credit for allied activities

where the principal loan amount does not exceed Rs. 50,000/-, he would be classified as *'small and marginal farmer'* and where the principal amount exceeds Rs. 50,000/-, he would be classified as *'other farmer'*.

4. In the present case, the loan amount exceeds Rs. 50,000/- i.e. Rs. 3,00,000/-. In view of that, the Bank has given remission of Rs. 36,000/-. The petitioner is not entitled for 100 % remission / waiver of the loan amount.

5. In the light of the above, no relief can be granted to the petitioner. The petition is accordingly disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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