IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11066 of 2013

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Yugal Singh @ Yugal Kishore Singh Son of Bhrigurasan Singh Resident of Village Chharidahan, P.O. - Matiari, P.S. - Vijayipur, District - Gopalganj

... ... Petitioner/s

Versus

1. The State of Bihar through the Agriculture Director, Department of Agriculture, Government of Bihar, Patna
2. The Agriculture Director, Department of Agriculture, Government of Bihar, Patna
3. The Deputy Agriculture Director-Cum-Nodal Officer, Department of Agriculture, Govt. of Bihar, Patna
4. The District Agriculture Officer, Gopalganj, District - Gopalganj
5. The District Magistrate, Gopalganj, District - Gopalganj
6. The Block Development Officer, Vijayipur, Block - Vijayipur, District - Gopalganj
7. The State Bank of India through the Chief Manager, RCPC, Gopalganj
8. The Branch Manager, State Bank of India, Branch - Kateya, District - Gopalganj

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Adv
For the Respondent/s	:	Mr. Pushkar Narain Shahi,AAG 6
		Mr. Sanjeet Kumar Singh, AC to AAG 6
For the SBI	:	Mr.Kaushalendra Kumar Sinha, Adv
		Mr. Sunil Kumar Singh,Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 20-11-2018

The present writ petition has been filed for a direction to the respondents to grant subsidy on the purchase of one combined harvester to the petitioner; and for connected reliefs.

2. The short facts of the case according to the petitioner are that the petitioner applied for purchase of a combined harvester under Government scheme on 22.02.2010 (Annexure-1) before the Block Development Officer, Vijayipur. The Block Development Officer forwarded the petitioner’s application on 08.03.2010

(Annexure-2) to the Branch Manager, State Bank of India (for short "the SBI"), Kateya Branch, District Gopalganj. Upon verification the SBI sanctioned the loan with a limit of Rs. 11,00,000/- on 13.01.2011 (Annexure-3) for purposes of purchase of the combined harvester. Accordingly, the petitioner purchased the combined harvester at a cost of Rs. 15,65,000/- as evident from the retail invoice dated 04.02.2011 (Annexure-4). The SBI then forwarded its letter dated 30.03.2011 (Annexure-5) to the District Agriculture Officer, Gopalganj enclosing the requisite documents with respect to claim for subsidy in accordance with the scheme.

3. Learned counsel for the petitioner submits that despite having complied with the terms and conditions of the Government scheme, the amount of subsidy in respect of purchase of the combined harvester has not been received by the petitioner. It appears that the subsidy has not been forthcoming in view of the guidelines vide memo no. 1191 dated 09.03.2011 issued by the Secretary, Agriculture, Bihar (Annexure-A to the counter affidavit) addressed to all the District Agriculture Officers directing that the subsidy amount for the financial year 2010-11 should not be paid in respect of purchase of agricultural equipment in the earlier financial years. It is submitted that the petitioner is eligible for grant of subsidy, considering that the equipment was duly purchased within the financial year 2010-11 and the SBI had already issued its forwarding letter together with all relevant

documents to the District Agriculture Officer, Gopalganj vide its letter dated 30.03.2011 (Annexure-5) within the financial year 2010-11 itself.

4. Learned senior counsel for the respondent-State appears and opposes the writ petition. A specific stand has been taken in para 5 of the counter affidavit to the effect that the letter of the SBI addressed to the District Agriculture Officer, Gopalganj was received in the next financial year 2011-12, namely, on 05.12.2011. He invites reference to the aforesaid letter dated 09.03.2011 and submits that in view of the bank's letter having been received in the next financial year the petitioner was not eligible for grant of subsidy.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. It is not in dispute that the petitioner duly fulfilled all the conditions required of him under the Government scheme. The petitioner admittedly applied for purchase of the combined harvester, which was forwarded by the Block Development Officer, the loan was sanctioned by the SBI, the combined harvester was purchased by the petitioner and finally the bank forwarded the relevant documents to the District Agriculture Officer, all of which was completed within the financial year 2010-11 itself. Even if the SBI's letter dated 30.03.2011 was received in the office of the District Agriculture Officer, Gopalganj in the subsequent financial year, it

can be of little consequence. Reliance placed by learned counsel for the respondents on the guidelines dated 09.03.2011 in order to deny the claim for grant of subsidy to the petitioner is clearly untenable. A bare perusal of the said letter dated 09.03.2011 discloses that the bar for the grant of subsidy relating to financial year 2010-11 was merely with reference to purchase of agricultural implements in the earlier financial years. In the instant case, the combined harvester was admittedly purchased in the financial year 2010-11 itself. The letter dated 09.03.2011 does not whisper anything with regard to intimation by the bank being received beyond the financial year 2010-11. The said guidelines are therefore inapplicable to the case of the petitioner and cannot come in his way for grant of subsidy. This view finds further support from the terms of the scheme (Annexure-A to the second supplementary counter affidavit) wherein it is stated under the heading "आवेदन की प्रक्रिया" as follows –

> "बैंक द्वारा ऋण स्वीकृति की तिथि को आधार मानकर जिला कृषि पदाधिकारी अनुदान की राशि स्वीकृत करेंगें।"

6. In the above circumstances the concerned respondents are directed to ensure that the subsidy amount in question be released to the SBI for being disbursed to the petitioner in respect of the combined harvester purchased by the petitioner during the financial year 2010-11 expeditiously and in any event within a

period of eight weeks from the date of receipt/production of a copy of this judgment. The SBI shall also ensure disbursement of the subsidy amount to the petitioner within a period of two weeks from the date of receipt of the subsidy amount from the State-respondents.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22.11.2018
Transmission Date	NA