

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.282 of 2017

ORDER:

This Contempt Case is filed complaining non-compliance of the order, dated 15.12.2015, passed by this Court in Writ Petition No.19755 of 2009.

Petitioner society asserts that it identified the eligible borrowers in terms of the Agricultural Debt Waiver and Debt Relief Scheme, 2008, as notified by the Central Government, and submitted such list to the District Co-operative Central Bank Limited (DCCB), which in turn returned the same with certain remarks and after complying with the same, it re-submitted the same to DCCB which in turn, in fact, forwarded the same to the Telangana State Co-operative Apex Bank Limited (TSCABL). Its grievance is that the respondents are not taking steps to extend the benefit to the farmers, whose names are mentioned in such list, and thereby, they have violated the aforesaid order of this Court.

Heard learned counsel for the petitioner.

Learned counsel for respondent No.1 would submit that in the letter, dated 29.12.2015, filed along with the counter-affidavit of respondent No.1, the TSCABL had confirmed that as on that date, 2282 claims were pending for settlement with NABARD and the amount of Rs.49.35 lakhs was in fact, given by the Hyderabad DCCB and the same was communicated and that the Hyderabad DCCB informed TSCABL that there are no claims pending for settlement with NABARD and that similar is the case with Mahabubnagar DCCB. He would also submit that the claim of the petitioner is with respect to non-processing of the claims submitted on 07.03.2017 but not with respect to the claims, which were submitted in the year 2012 and pending as on the date of disposal of the Writ Petition.

A perusal of a copy of the letter, dated 27.03.2017, filed by the petitioner along with the reply affidavit, discloses that the petitioner's letter, dated 21.09.2016 was received by DCCB on 07.03.2017 and was replied to on 27.03.2017. The said letter reads as under:

“With reference to letter on the captioned subject above received on 07.03.2017, it is to inform that while on our verification of claims, it was found that some of the farmers names are who claimed got benefited under Debt Waiver Scheme, 2014 introduced by Govt. of Telangana. That's why we unable to process the claims. It is your primary duty to

submit the claims as per the ADWDRS 2008 Scheme norms in prescribed manner duly audited by your Auditor.

It is bring to your kind notice that as per APCOB Lr.no.UB/Loan Waiver/2008-09-965 dated 27.03.2008 the due date for crop loans was one year from the date of disbursement. The Hon'ble High Court has ordered that, the due date is to be considered as per the loan agreement if it is within the dates mentioned in para 4 of the guidelines of the ADWDRS, If the due dates as per agreement are within the date prescribed, please prepare the claims. As per NABARD Lr. No.NB CDD.GCD/Debt Waiver/2008-09 dated 30.05.2008 and Lr.No.APRO/CPD/6377/A.40/2008-09, dated 03.07.2008, the claims are to be prepared in form IA to VIB and should be checked by the Supervisor/Manager of the bank and certified by the Statutory/Concurrent Auditor finding out the eligibility of borrower, categorization of SF/MF/OF. Please prepare the claim accordingly and submit for onward transmission.

Further, you are requested to examine that the farmers covered by Debt Waiver Scheme 2014 may not be repeated. It is your responsibility; there should not be any double names and claims.

In view of the above, you are requested to properly audit the list by your Auditor as per the ADWDRS 2008 Scheme norms and submit the claim as early as possible. Treat this matter as most urgent and ensure the early submission of the claims.”

From the above, it is evident that the claim of the petitioner is with respect to the Debt Waiver Scheme, 2014 but not in relation to the Scheme of 2008.

It is to be noted that at any rate, the list, which was forwarded by the petitioner, is not the one in relation to the Scheme of 2008 and pending as on the date of disposal of the aforesaid Writ Petition. Therefore, non-processing of such list by

the respondents cannot be found fault with, as such, there is no contempt on the part of the respondents, much less, willfully. Even assuming that the loan waiver applications of some of the eligible individuals were not considered, however, they were forwarded to the respondents concerned subsequently, such applications are not the ones which were submitted in the year 2012 and pending as on the date of disposal of the Writ Petition and thereby, the order, dated 15.12.2015 passed by this Court does not apply to the same. However, in the given circumstances, it is open for the petitioner to seek appropriate relief by initiating independent proceedings before an appropriate forum.

With the above observation, this Contempt Case is closed.

3rd OCTOBER, 2018.

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CHALLA KODANDA RAM, J