

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16438 of 2016 (O&M)

Date of Decision:04.07.2018

UCO Bank

. Petitioner

Vs.

Permanent Lok Adalat (PUS), Rupnagar and another

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Pardeep Sharma, Advocate,
for the petitioner.

Mr.M.S. Dhami, Advocate,
for respondent No.2.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 6.5.2016 passed by the Permanent Lok Adalat (PUS), Rupnagar [for short 'the PLA'] by which an application filed by respondent No.2 under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] has been allowed.

In brief, respondent No.2 has averred in his application that he was doing dairy work at a small scale and wanted to do the same as his business for which he obtained dairy farming training from the Kirishi Vigyan Kendra, Rupnagar and applied for a loan from the petitioner. He was told that his file was sent to the Zonal Branch at Chandigarh for sanctioning the loan. He submitted all the documents, acquired NOC and approached the petitioner many times to know about the actual position of his loan but no information was given. He even made a complaint to the Deputy Commissioner, Rupnagar on 18.4.2012 against the then Manager of the

petitioner/UCO Bank. Ultimately, he came to know under the RTI that the loan was sanctioned on 15.2.2012 but he was never informed about it and in March, 2013 he was told by the petitioner that the loan cannot be disbursed. He has further averred that he spent more than ₹1 lakh in this process and wasted his precious time in pursuing the application for loan because of which he could devote time to his dairy and had prayed for compensation of ₹5 lakh for loss of business, harassment and mental agony.

In reply, the petitioner did not deny the application filed by respondent No.2 for seeking loan and that his application was forwarded to the Zonal Office. It is also not disputed that the application was furnished by respondent No.2 along with documents and NOC demanded by them and that the amount of ₹5 lakh was sanctioned from his Zonal Office but the petitioners has submitted that they have a right to reject the loan application without assigning any reason and respondent No.2 was free to apply for loan afresh.

After the parties led their respective evidence, the PLA had found that the loan was sanctioned vide letter dated 15.02.2012 (Ex.A6) and when the petitioner did not inform respondent No.2 about the same, he even moved an application to Deputy Commissioner, Rupnagar on 18.4.2012 (Ex.A5). The case of the petitioner is that respondent No.2 was informed but he did not come to complete the formalities. The information was allegedly given to him through his mother. In this regard, there is no evidence led by the petitioner as to how the mother of respondent No.2 was informed as neither any telephone number has been mentioned nor the person by whom the said information was given on telephone and under whose orders, the said information was sought to be given on telephone.

even after the loan was sanctioned on 15.2.2012 and kept in lurch for about 3 years. Moreover, the legal notice served by respondent No.2 dated 5.8.2015 was also not replied informing him about the sanctioning of the loan. Thus in these circumstances, the PLA has found that respondent No.2 is eligible and entitled to the loan of ₹4.25 lakh and also awarded ₹1 lakh towards compensation and ₹10,000/- towards cost of litigation.

The petitioner has only mentioned the facts in the petition alleging that the sanctioned loan has lapsed on account of the negligence of respondent No.2 but the finding of fact recorded by the PLA is that even after sanctioning the loan, there was no information to respondent No.2 about the same for a long time despite the fact that he had been visiting the petitioner regularly and even when the legal notice was served no reply was given even at that time to inform him that his loan had already been sanctioned.

Thus, in view of the above, I do not find any reason to interfere in this petition and hence, the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

04.07.2018

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*