

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.462 of 2016

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Nand Kumar Diwakar Son of Sri Loknath Singh, Resident of Village- Bara,
P.S.- Nabinagar, Dist- Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Secretary, Animal Husbandary Development Department Dairy Development, Bihar, Patna.
5. The Director, Dairy Development, Govt. of Bihar, Patna.
6. The District Dairy Development Officer, Aurangabad, Bihar.
7. The General Manager, Cental Bank of India, Centre office, Chandra Mukhi, Nariman Point, Mumbai Maha
8. The Zonal Manager, Central Bank of India, 2nd Floor, Block- B, Maurya Lok Complex, Dak Bunglow Road
9. The Regional Manager, Regional Office, Central Bank of India, Shanti Bhawan, Rameshwar Path, Opposite of Bisar Tank, Gaya-823001
10. Branch Manager, Central Bank of India, Nabinagar, District- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Madhuri Lata
Mr. Manish Kumar

For the Respondent Nos. 1 to 6 : Ms. Rashmi Bharti, AC to SC-21
For the Respondent Nos. 7 to 10: Mr. Nishi Nath Ojha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-07-2019 The present writ petition has been filed for directing

the respondents to provide 50 % amount of a sum of Rs.

7,50,000/- as subsidy along with interest and to direct the

respondents to release the balance loan amount.

The brief facts of the case are that the petitioner had



applied for a loan of Rs. 15,00,000/- for purchasing 20 cows and for establishing a dairy firm under Samagra Gavya Vikas Pariyojna in the financial year 2012-13, whereafter the said loan was sanctioned to the petitioner herein and a sum of Rs. 7,50,000/- was also disbursed by the Central Bank of India, Navinagar Branch.

It is the case of the petitioner that the amount of subsidy amounting to a sum of Rs. 7,50,000/- as also the balance amount of loan has not been released in favour of the petitioner herein resulting in great sufferings to the petitioner herein, hence appropriate directions be issued to the respondents to pay the due amount, as aforesaid.

A counter affidavit has been filed on behalf of the respondent no. 6 i.e. the District Dairy Development Officer, Aurangabad who has submitted that the aforesaid scheme was sanctioned by the Government of Bihar in the financial year 2012-13 and 2013-14 whereafter the said scheme was closed and since the petitioner has approached belatedly for grant of subsidy, he has got no claim.

The respondent Bank i.e. the respondent no. 10 herein has also filed a counter affidavit wherein it has been stated that pursuant to the application made by the petitioner herein for



establishing dairy unit at Navinagar with 20 cows under the Samagra Gavya Vikas Pariyojna, before the District Dairy Development Officer, Aurangabad, the application of the petitioner was forwarded to the respondent no. 10 for the purposes of sanction of loan whereupon the respondent no. 10 had sanctioned a loan of Rs. 12 lakh on 31.03.2014 with margin money of Rs. three lakhs @ 11.45 per cent interest per annum for 84 months for 20 cows. It has been further stated that till date a sum of Rs. 7,92,500/-, out of a total loan amount of Rs. 12 lakhs has already been disbursed from the loan account to the petitioner herein.

As regards the disbursement of subsidy amount, it has been submitted that since the petitioner i.e. the borrower has not till date produced the bill and the utilization certificate of the amount already released by way of first disbursement by the respondent Bank as also has failed to produce other documents like the insurance of the cows, fitness certificate etc., no further disbursement of loan is possible. In connection with the claim of the petitioner for grant of subsidy, it is submitted that the Bank has already requested the District Dairy Development Officer, Aurangabad i.e. the respondent no. 6 to grant subsidy.

At this juncture, the learned counsel appearing for the



respondent District Dairy Development Officer has referred to Annexure-B to the counter affidavit, wherein the Bank has already informed vide letter dated 01.08.2015 that since the loan in question is connected with the financial year 2012-13 and the same had to be sanctioned and paid by 31.12.2014, whereas the request for subsidy has been sent by the Bank on 20.07.2015, (Annexure-3 to the writ petition), the same cannot be entertained.

I have heard the learned counsel for the parties and perused the materials on record and I find that the petitioner has not filed any rejoinder affidavit to the counter affidavit filed by the respondent no. 10 i.e. the Bank, hence the petitioner has failed to demonstrate that the requisite documents/utilization certificate/insurance and fitness certificate etc, demanded by the Bank, were supplied to the respondent Bank.

In any view of the matter, it is not the case of the petitioner that he had supplied the said documents to the Bank, hence this Court is of the opinion that there is no merit in the prayer of the petitioner for being paid the balance loan amount, hence the writ petition stands dismissed to the said extent. However, as far as the question of subsidy is concerned, this Court grants liberty to the petitioner to approach the Director,



Dairy Development, Government of Bihar, Patna by filing appropriate representation within a period of six weeks from today, which shall be considered and disposed off by the Director, Dairy Development, Government of Bihar, Patna within a period of six weeks thereafter by a reasoned, legal and a speaking order.

(Mohit Kumar Shah, J)

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