s15.09.2021
Sl. No.12
srm

W.P.A. No. 1913 of 2020

Akhilesh Panda
Vs.
State of West Bengal & Ors.

Mr. S.P. Pahari
…for the Petitioner.

Mr. Pabitra Charan Bhattacharjee,
Mr. Subhajit Panja
…for the Respondent No.3.

Mr. Debasish Ghosh
…for the State.

Affidavit of service is taken on record. None appears on behalf of the respondent Nos. 2, 5 and 7.

The petitioner is the Secretary of the Bahitrakunda Samabay Krishi Unnayan Samity Ltd. (hereinafter referred to as the said Society). The society is registered under the West Bengal Co-operative Societies Act and is affiliated to the Vidyasagar Co-operative Bank Ltd. (hereinafter referred to as the said Bank).

It is contended that the Government of India issued notification to grant financial benefits in favour of co-operative societies in West Bengal, for the purpose of revival of these co-operative societies and to make good the financial losses suffered by them. The financial losses suffered were due to the inability of the co-operative societies to recover the loans and interest from their debtors. The said Society is a credit society in West Bengal and was enlisted for getting the package for its revival under the Short Term Co-operative Credit Structure (STCCS). It is contended that although similar credit societies of Paschim Medinipur have been granted benefit of STCCS, the said Society has been discriminated upon and no funds have been released for revival of the said Society along with some other similarly situated societies in Purba Medinipur.

Mr. Bhattacharjee, learned Advocate appearing on behalf of the Chief General Manager, Vidyasagar Central Co-operative Bank Ltd., submits that the allegations of the petitioner is correct. He further submits that the STCCS was also applicable in case of the said Society. The said Bank requested the National Bank for Agriculture and Rural Development (for short NABARD) to release the funds but the said Bank was informed by the NABARD, that as the Government of India had not released adequate funds but only an amount of Rs.134.96 crore being 75% of its total share under the package, all the credit societies like the said Society could not be released the package. Such intimation came to the said Bank sometime in 2012-13. The General Manager of the said Bank has also produced a list before this Court which indicates that those enlisted eligible PACS's affiliated to the said Bank were yet to receive re-capitalisation assistance. The said Society is also one of such eligible PACS.

Having heard the rival contentions of the parties and having gone through the records, it appears that there is no denial of the fact that the said Society is eligible for re-capitalisation assistance. NABARD's communication to the said Bank also indicates that the assistance has been given to quite a few enlisted eligible societies but due to paucity of funds some other eligible societies including the said society could not be given the benefit, as the Government of India had not released the entire package for providing the assistance to all the eligible societies. Unfortunately, the said Society was not informed of this situation either by NABARD or by the said Bank.

The writ petition is disposed of granting liberty to both the Vidyasagar Central Co-operative Bank Ltd. as also to the said Society of which the petitioner is the Secretary, to file separate representations before the Chief General Manager, National Bank for Agriculture and Rural Development ventilating their grievances, upon marking copies of the same to the relevant departments of the Government of India so that the issue can be resolved and the said Society is given the re-capitalisation assistance upon expeditious release of the same by the Government of India, as per its eligibility.

The matter has been pending since 2012-13 and the NABARD has admitted that due to shortfall in the release of funds by the Government of India, the eligible PACS could not be given the benefit of the scheme for revival. The issue should be resolved expeditiously. There cannot be any discrimination. The Chief General Manager, National Bank for Agriculture and Rural Development shall also approach the competent authorities of the Government of India and resolve the issue within a period of two months from the date of receipt of the representations to be made by the said Society and the said Bank. If required, the Chief General Manager, National Bank for Agriculture and Rural Development shall also call the representatives of the said Society and the said Bank to produce records and make submissions before the authority. A reasoned decision shall be communicated to the parties by the said authority within the aforementioned period.

This writ petition is, thus, disposed of.

The records produced before this Court by the Vidyasagar Central Co-operative Bank Ltd. containing the communication of NABARD and the list in which the said Society appears to be one of the listed eligible societies for the benefit, are taken on record.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)