17.11.2022
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**WPA 19910 of 2022**

**Arijit Das & Ors.**
**-Vs-**
**Union of India & Ors.**

Mr. Surya Kumar Chattopadhyay,
Mr. Arjun Samanta
... for the petitioners
Mr. Loknath chatterjee,
Mr. B. K. Singh,
Mr. D. K. Chakraborti
... for the State Bank of India

Mr. Rishav Kumar Thakur
... for the Union of India

Mr. Sudipto Panda
... for the State

The six petitioners before the Court pray for an order directing the respondent State Bank of India to disburse the sanctioned loan amount under the Swami Vivekananda Swanirbhar Karmasanasthan Prakalpa amounting to Rs. 2,49,000/- in favour of each of the six petitioners.

The petitioners, through their learned counsel, submit that the Bank received the subsidy amount in 2019 but has failed to disburse the same to the petitioners. Counsel also relies on the particular

Scheme under which the petitioners say that they are entitled to the subsidy.

Learned counsel appearing for the State Bank of India places documents to show that the Bank asked the petitioners to furnish documents for enabling the Bank to process the disbursement. Counsel further submits that the Scheme was of 2018 and the interregnum of four years may have resulted in changed circumstances by reason of which the petitioners will have to apply once again for the subsidy.

The documents before the Court show that the loan under the Scheme was sanctioned on 29th August, 2018 and a communication to that effect was given by the Bank to the BDO, Sandeshkhali. The BDO in turn wrote to the District Self Help Group & Self Employment Officer on 31st August, 2018 for release of the subsidy under the Scheme as per the details given in the said communication. The BDO also wrote to the Branch Manager of the SBI, Boyermari, on 13th February, 2019 enclosing the list of 11 beneficiaries under the Scheme and requesting the Bank to disburse the entire amount of the loan. It is relevant to state at this point that of all the 11 beneficiaries mentioned in the aforesaid letter, six of the beneficiaries are presently before the Court.

The supplementary affidavit of the petitioners further discloses documents to show that the loan was sanctioned to the petitioners and the five others and the petitioners also made payment of a percentage of the loan amount as required under 'Form-E' of the Scheme. The supplementary affidavit also discloses the list of beneficiaries under the Scheme, which has been issued by the Bank bearing Memo no. 1039.

The Scheme is based on a Notification of 23rd May, 2007 of the Department of Self Help Group & Self Employment, Government of West Bengal. The objective of the Scheme is to generate self-employment in the Urban and Rural areas of the State through promotion of small scale units of production and manufacturing. The eligibility for the Scheme, under Clause 6, is of an individual entrepreneur or a group of entrepreneurs preferably registered with any employment exchange of the State and whose family income is less than Rs. 15,000/- month. The entrepreneur is also required intend to generate income by setting up a viable unit of industry or trade etc.

Clause 12 of the Scheme requires the unemployed eligible youth to apply in the prescribed form and deposit the application to the Block Self Help Group or the Designated Officer. Under Clause 14, the Bank on receipt of the application from the Block Self Help Group shall process the application independently for sanction and disbursement of the loan. The Bank may commence an enquiry, if necessary or conduct field visit to confirm the viability of the project. After completion of the process, the Bank is under an obligation to sanction the loan to the eligible applicant. 5% of the contribution of the entrepreneurs shall also be deposited with the Bank.

Clause 15 provides for release of subsidy under which the Bank shall certify that Margin Money has been deposited by the entrepreneurs and the Society for Self-employment shall examine the claim along with the sanction letter of the Bank. The appropriate amount of subsidy shall thereafter be released by the Society in favour of the bank. The final stage of disbursement of loan is provided under Clause 16 where the Bank upon receiving the subsidy and the entrepreneurs' contribution shall disburse the amount to the entrepreneurs in accordance with the disbursement schedule under the Scheme.

The documents before the Court show that all the stages mentioned in the Clauses referred to above in the Scheme were completed on 29th August, 2018. The same has been corroborated by further documents issued by the BDO on 31st August, 2018 and 13th February, 2019. Hence, the ground of the Bank in calling upon the petitioners to furnish further documents on 11th October, 2022 is contrary to the procedure laid down under the Scheme. There is no question of the Bank asking for further documents when the Bank received the subsidy amount in 2019. There is nothing in the Scheme to support the contentions of the Bank that the petitioners should furnish further documents for proving their eligibility or otherwise.

The petitioners have been made to wait from 2019 to August, 2022 for disbursement of the subsidy. The Bank should accordingly make financial amend for their inaction and irresponsibility.

WPA 19910 of 2022 is disposed of with a direction on the State Bank of India to release the subsidy/amount, which was sanctioned by the concerned authorities in 2018/2019 within a period of four weeks from date. It is undisputed that the petitioners have put in the entrepreneurial amounts under the Scheme in 2018. Hence, the petitioners are not under any further obligation to make any payment to the Bank. The Bank shall make good the delay and the inaction on its part and the consequential loss of time and opportunity to the petitioners by payment of Rs. 20,000/- to each of the petitioners within a period of four weeks from date.

**( Moushumi Bhattacharya, J.)**