

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19605 of 2012

Bhagaban Kar

....

Petitioner

Mr. Niranjana Lenka, Advocate

-versus-

***National Bank for Agricultural and
Rural Development and another***

.... ***Opposite Parties***

Mr. G. Kar, Advocate for O.P. No.2

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

ORDER

28.06.2022

Order No.

- 04.
1. According to the Petitioner, even if he comes within the definition of 'other farmers' as indicated by Opposite Party No.2 in the impugned order dated 1st November 2010 rejecting his plea for a waiver, then under Para 6.1 of the Scheme he still entitled to a OTS subject to the conditions stipulated therein.
 2. It may be noted here that although notice was issued in this petition way back on 12th November 2012 and there was an interim order that no coercive action would be taken against the Petitioner pursuant to the aforementioned impugned order dated 1st November 2010, till date no counter affidavit has been filed by any of the Opposite Parties.
 3. Para 6.1 of the Scheme reads as under:

“6.1. In the case of 'other farmers', there will be a onetime settlement (OTS) Scheme under which the farmer will be given a rebate of 25 per cent of the

‘eligible amount’ subject to the condition that the farmer pays the balance of 75 per cent of the ‘eligible amount’.”

4. Considering that there is no counter affidavit filed to dispute any of the averments of the Petitioner and given the submission of the Petitioner that even assuming that he is an ‘other farmer’, he is entitled to an OTS under Para 6.1 of the Scheme, the Court directs that subject to the Petitioner paying the Opposite Party Bank 75% of the ‘eligible amount’ on or before 2nd September 2022, his case for OTS in terms of Para 6.1 of the Scheme will be considered and an appropriate order will be passed thereon by the Opposite Parties within a period of two months thereafter and in any event not later than 1st November, 2022. Till then no coercive action will be taken against the Petitioner.

5. The writ petition is disposed of in the above terms.

6. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin