

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6778 OF 2021

**RAJAT PRABHAKAR BAKAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Vishal P. Patil
AGP for Respondents State: Mr. S. G. Karlekar
Advocate for Respondents 4 & 5 : Mr. V. R. Patil

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 1 JULY 2022

ORDER:

By this petition, the petitioners are seeking declaration that the petitioners are entitled for the benefits of Mahatma Jyotirao Phule Shetkari Karjmukti Yojna 2019 ('the 2019 Scheme' for short), as notified by the Government Resolution dated 27 December, 2019. The petitioner is seeking consequential relief of a direction to respondent No.5 Bank of Maharashtra, Chikalthana Branch, Aurangabad to include name of the petitioners in the list of beneficiaries of the 2019 Scheme and for the consequent waiver of the crop loan for the Kharip Season 2018.

2. We have heard the learned counsel for the parties.

3. It is not in dispute that the agriculturists, irrespective of their land holdings, are entitled to the benefits of 2019 Scheme, to the extent of Rs.2 lakhs of loan waiver, provided the loan is obtained

during the period from 1 April 2015 to 31 March 2019 and there is outstanding amount in the loan account as on 30 September 2019.

4. The record discloses that this Court, by order dated 11.01.2022 had called upon the learned AGP to take instructions. However, today, the learned AGP states that the instructions are not received as yet. The record further discloses that in Public Interest Litigation being PIL No.27/2020, this Court, by judgment and order dated 9 October 2020, had directed the respondent-Banks therein to extend the benefits of crop loan to the agriculturists for the Kharip Season 2020 in accordance with the mandate of the Government Resolutions dated 27 December 2019, 17 January 2020 and 22 May 2020. Following observations of the Division Bench of this Court in Para 21 of the judgment may be reproduced as under:

"21. We hope and trust that Banks would be alive to the problems of the agriculturists. The precarious condition of the agriculturists has been considered by the State Government and introduced loan waiver scheme 2019. Though, the loan is waived the agriculturists / beneficiaries of the said loan waiver scheme cannot be deprived of the crop loan for the kharip season 2020 on technical ground. The loan waiver scheme is unambiguous. The said scheme would apply to all the short term crop loans availed by the agriculturists from 01.04.2015 to 31.03.2019 or the crop loans rescheduled during the said period and the amount outstanding to the extent of Rs.2,00,000/-. The Banks are not authorized to impose other conditions not commensurate with the said scheme.

5. The learned counsel for the petitioners states that petitioner No.1 had obtained a loan of Rs.49,100/- while, the petitioner No.2 was sanctioned loan of Rs.1,00,000/- on 24 December 2018. He submits that brother of the petitioners namely Vishal Bakal had also obtained Crop loan on the same day and the respondent Bank has extended benefit of the 2019 Scheme to Vishal Bakal (Petitioner in Writ Petition No. 7935/2021) on 31 March 2022 and No Dues Certificate is issued to him. He submits that the petitioners are similarly situated and are eligible to get the benefit of the 2019 Scheme.

6. Learned AGP, in all fairness, submits that in such circumstances, the respondent Bank can examine the case of the petitioners and extend benefit of the said scheme, if the petitioners are found eligible.

7. In such circumstances, we dispose of the petition by directing the respondent- Bank to examine the case of the petitioners for the benefit of the 2019 Scheme and to extend the same, if the petitioners are otherwise found to be eligible, within a period of four weeks from today.

8. Writ petition is disposed of in the aforesaid terms.

SANDIPKUMAR C. MORE, J

C. V. BHADANG, J.