

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

**987 WRIT PETITION NO.3950 OF 2021**

**MANDABAI SHASHIKANT BHUJBAL AND OTHERS  
VERSUS  
THE UNION OF INDIA AND ANOTHER**

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Mr. R.N. Dhorde, Senior Counsel h/f. Mr. Rajendra L. Kute,  
Advocate for Petitioners  
Advocate for Respondent Nos.1 & 2 : Mr. R.R. Bangar  
Advocate for Respondent No.3 : Mr. V.H. Dighe  
Advocate for Respondent No.4 : Mr. S.R. Deshpande

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**CORAM :   NTIN W. SAMBRE AND  
              S.G. CHAPALGAONKAR, JJ.**

**DATE     :   21-03-2023**

**PER COURT :**

.               Union of India through Animal Husbandry and Dairy and Fisheries Department floated a scheme viz. Dairy Entrepreneurship Development Scheme ('DEDS'), wherein maximum subsidy to the extent of Rs.15,000/- per cow was to be provided to dairy entrepreneur provided purchases a cow was made through respondent no.3 – Cooperative Bank or any other Co-operative Bank. Such bank is required to forward the proposal for passing on the subsidy to the beneficiaries to be approved by the Central Government.

2.             The petitioners are claiming that in spite of they having

satisfied the terms of the scheme, the benefits of subsidy are not sanctioned by the Central Government as proposal for subsidy forwarded by the respondent bank are not accepted on the portal of Union of India for want of the budgetary allocation.

3. It is brought to our notice by Mr. Dhorde, the learned Senior Counsel that other similarly placed farmers / dairy entrepreneurs are already extended the benefit by the respondent – Union of India and as such, the respondent - Union of India has created a different class of person in same class thereby violating the Article – 14 of the Constitution of India.

4. Mr. Dhorde, the learned Senior Counsel would further submit that the details of the petitioners is provided at Exh. 'A'.

5. Mr. V.H. Dighe, counsel for the respondent Bank would support the claim of the petitioners. According to him, the claim for grant of subsidy was received from petitioners, same was not accepted on the portal of Union of India though the respondent – Bank has tried repeated login-in.

6. The Union of India in its reply has categorically stated

that if the claimants make any representation, the Union of India is willing to decide the same. So as to substantiate the same, para nos.8, 9 and 14 of the affidavit-in-reply sworn by under Secretary - Mr. Deepak Sethi read thus:

“8. I say and submit that, till date, 1816 claims uploaded by Pravara Sahkari Bank Ltd. In the portal and all have been released.

9. I say and submit that, NABARD Maharashtra RO Provided handholding support to Pravara Sahakari Bank Ltd. for the procedure to be followed for online submission of DEDS applications. From Pravara Sahakari Bank Ltd. Letter dated 30.11.2017, it appears that the bank could not upload all applications due to the message “Budget is exhausted for the scheme.”

14. I say and submit that, Department had examined the representation in consultation with NABARD made by petitioners and vide letter dated 06.10.2020 had requested petitioners to submit the requisite information. After receiving the information the department will take appropriate decision.”

7. In view of the above, when confronted the learned Counsel for respondent no. 3 - Bank assures that the proposal qua the sanction of subsidy shall be resubmitted to the Union of India along with the claims of the petitioners. The learned counsel for the petitioners assures that the representation shall be re-forwarded / will be sent afresh to the Union of India through the respondent no.3 – Bank.

8. In view of the aforesaid stand of the petitioners and that of respondent no.3, we expect the respondent - Union of India to deal with the claims of the petitioners as has been stated by them in para nos.8, 9 and 14 referred above.

9. Let aforesaid decision be taken by the Union of India as expeditiously as possible as the claims are not decided for considerable time.

10. The writ petition stands disposed of with the aforesaid observations.

( S.G. CHAPALGAONKAR, J. )

( NITIN W. SAMBRE , J. )

GGP