



Rev.Apl.W(MD)No.91 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.91 of 2022
in
W.P.(MD)No.8857 of 2019
and
W.M.P.(MD)No.19936 of 2022

The Chief General Manager,
NABARD,
Tamil Nadu Regional Office,
48, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

... Petitioner

Vs

1.N.Vidyasankar

2.The Branch Manager,
Central Bank of India,
Pensioner Street,
Palani Road,
Dindigul – 624 001.

3.The Regional Manager,
Central Bank of India,
Rajah Muthaiah Mandram,
1st Floor, Dr.Ambedhkar Road,
Madurai – 625 020.

4.The Secretary,
Department of Animal and Husbandry,



Rev.Apl.W(MD)No.91 of 2022

Dairying and Fisheries,
Ministry of Agriculture,
Government of India,
New Delhi.

... Respondents

*(R4 is suo motu impleaded vide order dated
24.01.2024 in Rev.Apl.W.(MD)No.91 of 2022
in W.P.(MD)No.8857 of 2019 by GRSJ)*

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Civil Procedure Code, to review the order passed in W.P.(MD)No.8847 of 2019 dated 27.06.2022 on the file of this Court and allow this Review Application.

For Petitioner : Mr.M.Senthil Kumar

For Respondents : Mr.M.Thirunavukkarasu for R1
Mr.N.Dilipkumar for R2 & R3.
Mr.K.Govindarajan,
Asst. Solicitor General of India for R4.

ORDER

Heard both sides.

2.The petitioner availed loan from the Central Bank of India. The loan was sanctioned under an Interest Free Loan Scheme floated by NABARD. The petitioner cleared the entire loan liability with interest on 23.12.2014. The petitioner sought refund of 50% of the interest amount as per scheme provision. NABARD took the stand that since the



scheme itself was closed, the petitioner cannot claim the benefit of refund. It was put to challenge in W.P.(MD)No.8857 of 2019. The writ petition was allowed on 27.06.2022 in the following terms:-

“2. After hearing the learned counsel for the petitioner and the Bank and after going through the materials on record, the following undisputed facts emerge:-

NABARD floated an Interest Free Loan Scheme for certain categories, as per which, 50% of the loan sanctioned by the bank will be interest free. The petitioner applied to the Central Bank of India for granting Rs.20,00,000/- as loan for EMU Hatcheries and Breeder Farm. The loan was sanctioned on 07.09.2009. The petitioner could not successfully run the business. Therefore, he wanted to close the loan account. In fact, he paid the entire loan amount along with interest on 23.12.2014. Since the petitioner's account came within the purview of IFL Scheme floated by NABARD, the petitioner wanted refund of 50% of the interest amount. Since the said request was not considered, he filed W.P.(MD)No.21187 of 2017. The said writ petition was disposed of on 17.11.2017 in the following terms:-

“6.Considering the limited scope of the relief sought in this petition, this Court without going into the merits of the case, directs the respondents to consider the representation dated 21.11.2016 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.”

Pursuant to the said direction, a tripartite meeting was held on 24.01.2018. The minutes of the



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Rev.Apl.W(MD)No.91 of 2022

meeting have been enclosed at page No.24 of the typed set of papers. The stand of NABARD is seen from the following extract:-

“(3) GM, NABARD explained the Interest Free Loan Scheme, saying that the said scheme under Venture Capital Fund provided for 50% of the loan sanctioned by the bank as Interest Free Loan (IFL) which is made available by Government of India through NABARD. The repayment of the IFL has to be made along with the normal loan as per the repayment schedule. In r/o. the instance case, he said that a loan of Rs. 20,00,000/- was sanctioned by Central Bank of India on 07.09.2009 and claim was forwarded to NABARD vide letter dated 08.11.2010 for sanction and release of IFL. The Tamil Nadu Regional Office of NABARD scrutinized the claim and forwarded the same to its H.O on 28.02.2011. NABARD, H.O. Had advised the R.O. that the claim had been submitted by the bank after a lapse of more than a year of sanction and that the disbursement status of the proposal had also not been given by the bank. Accordingly, the Regional Office of NABARD, vide their letter dated 06.04.2011 advised the bank to furnish the disbursement status of the sanctioned loan. As no response was received from the bank, a reminder was also issued to the bank in this regard. However, no reply was received. Subsequently, Government of India had closed the IFL scheme as on 30.03.2011.”

3. It is not in dispute that when the petitioner availed loan, the scheme was very much in operation and the petitioner's case fell within its purview. The creditor bank namely Central Bank of India had also intimated NABARD about the availing of the loan by the petitioner on 15.10.2010. Merely because the scheme was wound up on



Rev.Apl.W(MD)No.91 of 2022

30.03.2011, that would not mean that the loan availed earlier will not be entitled to the benefit of the scheme. The approach of the third respondent is patently un-sustainable. Since the petitioner fulfils all the requirements of IFL Scheme, the third respondent is directed to reimburse a sum of Rs.7,35,238/- to the first respondent within a period of eight weeks from the date of receipt of a copy of this order. After such reimbursement, the first respondent will in turn pass on the said benefit by depositing the entire amount in the account of the petitioner without any delay.

4. The writ petition is allowed. No costs."

Seeking review of the said order, the present review application came to be filed.

3.After hearing both sides, I am of the view that the order passed by this Court does not suffer from any error apparent on the face of record. The moot question that appears to be whether the liability should eventually fall on NABARD or the Central Government. This is a case in which, the pay and recovery principle applicable in motor accident compensation jurisprudence can be invoked. The petitioner is directed to settle the claim of the writ petitioner. It is always open to NABARD to write to the Central Government for clarification later. If any such clarification letter is submitted by NABARD to the Central



Rev.Apl.W(MD)No.91 of 2022

Government, the Central Government (4th respondent) is directed to consider the same and dispose it of on merits and in accordance with law.

4.The review application is dismissed with the aforesaid liberty to the petitioner and direction to the Central Government. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Rev.Apl.W(MD)No.91 of 2022



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Rev.Apl.W(MD)No.91 of 2022

G.R.SWAMINATHAN,J.

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Rev.Apl.W.(MD)No.91 of 2022

in

W.P.(MD)No.8857 of 2019

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