

## CHURU ZILA SAHAKARI BHOOMI VIKAS BANK Vs YASEEM KHAN

**Court:** NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

**Date of Decision:** Nov. 24, 2003

**Citation:** 2004 2 CPC 237 : 2004 3 CPJ 152

**Hon'ble Judges:** M.A.A.Khan , Sushma Tanwar J.

**Final Decision:** Appeals dismissed

### Judgement

1. BOTH the appeals involved identical facts and these are disposed of by this common order.

2. IN order to encourage agricultural production in the State the State Govt. had taken a decision that subsidised loan for purchase of pumping

cum fountain set be made available to the needy agriculturists. The present respondent-complainants applied for such loan in order to purchase the

above mentioned system of irrigation. The respondent complainants obtained such loan from the appellant Bank. They were to be given subsidy on

the advanced amount of the loan but the appellant could not reduce the amount of loan sanctioned to him by the amount of subsidy as such amount

was not allegedly received by the appellant Bank from the Rajasthan Rajya Sahakari Bhoomi Vikas Bank Ltd. (Development Bank) no reduction

of the amount of subsidy could, therefore, be given by the appellant Bank to the complainant-respondents. INstead interest on the principal amount

of loan was added to their accounts. It was under such circumstances that the respondent complainants approached the District Forum.

In the case of Zinkuram respondent-complainant (Appeal No. 323/2001) the Forum held that the account of the complainant be credited with the

amount of subsidy w.e.f. 28.7.1997. The complaint was accordingly accepted with cost at Rs. 1,000/- to the respondent-complainant.

In the case of Yaseem Khan complainant-respondent (Appeal No. 322/2001) the Forum noted that although a sum of Rs. 6,766/-, payable to the

respondent-complainant on account of subsidy, was credited to his account but the appellant Bank had raised interest for the period during which

the amount of subsidy was not received by the appellant Bank from the Development Bank. The Forum has cancelled such amount of interest and

allowed the complaint of the respondent-complainant with cost at Rs. 1,000/-.

3. UNDOUBTEDLY it was vehemently urged before us that since the amount of subsidy is not received by the appellant Bank from the

Development Bank and the Development Bank had not remitted the amount of subsidy to it despite repeated requests and reminders, the appellant

Bank could not credit the account of the respondent-complainants by the amount of subsidy, but we fail to blame the respondent-complainants in

that behalf. It is not in dispute that the policy decision of the State Govt. was being implemented by its various departments and Banks. The present

Bank as also the Development Bank were functioning in co-ordination with the Agriculture Deptt. of the State Govt. in the matter of disbursement

of agricultural loan to the needy persons. Once a loan carrying the liability of interest upon the borrower, had been sanctioned to the borrower and

such loan as of policy of the Government was to be reduced by the amount of subsidy which the disbursing authority was to receive from another

authority of the State Govt., the borrower cannot be charged with interest for the period during which the amount of subsidy was not credited in his

account. In that view of the matter we agree with the learned Forum that the appellant Bank had rendered deficient services to the respondent-

complainants.

We find no force in these appeals and dismiss them accordingly with cost on parties. Appeals dismissed.