



PIL.27-2020.odt

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

**PUBLIC INTEREST LITIGATION NO.27 OF 2020**

Kishore Ashokrao Tangade ..Petitioner  
Vs.  
The State of Maharashtra  
and ors. ..Respondents

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Mr.S.B.Talekar, Advocate for petitioner  
Mr.D.R.Kale, Govt. Pleader for respondent nos.1 to 5  
Mr.R.S.Deshmukh, Advocate i/b. Mr.Devang Deshmukh,  
Advocate for respondent no.6

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**CORAM : S.V. GANGAPURWALA  
AND  
R.G. AVACHAT, JJ.  
DATE : JULY 09, 2020**

**ORAL ORDER (PER S.V. GANGAPURWALA, J.):-**

Leave to correct the title clause of  
respondent no.6 – Bank.

2. Mr.Talekar, learned Counsel for the  
petitioner, strenuously contends that in spite of the  
Government Order dated 17.01.2020, directing respondent  
no.6 – Bank not to charge interest from 01.10.2019 till

the actual benefit is given to the persons who are entitled for the benefit under the scheme namely, 'Mahatma Jotirao Phule Shetkari Debt Waiver Scheme, 2019', respondent no.6 – Bank has not disbursed the loan amount to the eligible agriculturists on the ground that interest from 01.10.2019 has not been paid. Learned Counsel relied upon the communication dated 17.06.2020 issued by the Divisional Joint Registrar, Co-operative Societies, Aurangabad and the letter dated 17.06.2020 by the petitioner to the Commissioner for Co-operation.

3. Mr.Talekar further submits that fortunately, this year, the agriculturists are benefited by the timely rains. Sowing season has commenced from the month of June. However, because of non-disbursement of the loan by respondent no.6 – Bank, many agriculturists are not in a position to sow the seeds. Learned Counsel relied upon a statement filed by him, to submit that the loans have been disbursed to 49.62% of the agriculturists and that too, to

those agriculturists, who have paid interest amount calculated from 01.10.2019 onward. Such agriculturists have paid the interest amount by selling their gold ornaments and other articles. Learned Counsel submits that the beneficial scheme of the Government under the Government Order dated 17.01.2020 is not implemented by respondent no.6 – Bank in its true letter and spirit. Said Government Order is issued under Section 79A of the Maharashtra Co-operative Societies Act and is binding on respondent no.6 – Bank.

4. Mr.Kale, learned Government Pleader appearing for respondent nos.1 to 5, supports the stand of the petitioner and submits that the Government has issued the Government Order dated 17.01.2020 exercising its powers under Section 79A of the Maharashtra Co-operative Societies Act. Said Government Order has been passed considering the precarious condition of the agriculturists and for the benefit of the agriculturists. The bank is

benefited to extent of the amount of the loan waiver given to the agriculturists by the Government. The Government has transferred amount of loan waiver to the bank. The bank has to comply with the directions issued by the Government of Maharashtra dated 17.01.2020.

5. Mr.Deshmukh, learned Counsel for respondent no.6 – bank, strenuously contends that considering the financial position of the bank, a conscious decision has been taken by the Board of respondent no.6 – Bank, not to grant waiver of interest from 01.10.2019. The bank is regulated by the statute, Acts and Rules and the directions issued by the Reserve Bank of India and NABARD. Mr.Deshmukh, learned Counsel, on instructions from respondent no.6 – Bank, makes a statement that respondent no.6 – Bank is intending to challenge the Government Order dated 17.01.2020 purportedly issued under Section 79A of the Maharashtra Co-operative Societies Act. According to learned Counsel, the bank would loose

the interest amount, if the loan is disbursed without recovering the amount of interest from 01.10.2019 and it will affect the financial condition of the bank.

6. We have considered the submissions canvassed by learned Counsel for the respective parties. To challenge the Government Order dated 17.01.2020, is a right of a litigant. It is for the litigant to take appropriate steps. The authorities have made clear that the Government Order dated 17.01.2020 is passed under Section 79A of the Maharashtra Co-operative Societies Act. Respondent no.6 – Bank is bound by the said order.

7. It also appears that sowing season is in full swing. The Government Order dated 17.01.2020 is operative as on date and respondent no.6 – Bank is bound to comply with the said order so long it is in force. If timely crop loan is not given to the agriculturists, the agriculturists would not be in a position to sow the seeds resulting in barren lands.

8. Considering the fact that the Government Order dated 17.01.2020 issued under Section 79A of the Maharashtra Co-operative Societies Act is in force, by way of an interim arrangement, we pass the following order :-

(i) Respondent no.6 – Bank in tune with Government Order dated 17.01.2020 shall disburse the crop-loan to the eligible agriculturists immediately, without insisting for payment of interest on the loan amount from 01.10.2019 upto the actual benefit is given to the agriculturists.

(ii) The question, whether respondent no.6 – Bank is entitled to recover the interest from 01.10.2019 till actual benefit is given to the agriculturists or not, can be decided at a later stage, as is contended by learned Counsel appearing for respondent no.6 that the bank is going to challenge the Government Order dated 17.01.2020.

(iii) As the Government Order dated 17.01.2020 issued under Section 79A of the

Maharashtra Co-operative Societies Act, is operative and in force, we have issued above directions to respondent no.6 – bank to disburse the crop-loan immediately to the eligible agriculturists under the scheme namely, Mahatma Jotirao Phule Shetkari Debt Waiver Scheme, 2019, without insisting for payment of interest from 01.10.2019, till the actual benefit is given to the farmers.

(iv) We hope and trust that respondent no.6 – Bank shall immediately disburse the loan to the eligible agriculturists.

(v) Keep the matter on 20.07.2020. By the said date, the parties may clarify, whether the loan has been disbursed to the agriculturists as per this order.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA , J.]

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