Witness present and duly sworn in on:01.03.2019.

Further cross examination by Sri. Advocate for Defendant.

Now I see Ex.P.9. It is an authorization letter. I myself issued Ex.P.9. It is true to suggest that apart from Ex.P.9, no other documents are produced to depose evidence in this case. It is false to suggest that I cannot authorized myself to give evidence in this case. I have power of attorney in my favour to show I am authorized to prosecute the case. I can produce the GPA. It is true to suggest that apart from 5 cases in this court there are three more cases pending in SCCH-19 and 4 cases pending in SCCH-21. I have given my evidence before SCCH-21. Now I am seeing my deposition before SCCH-21 pertaining to SC 15263/18 It is marked as Ex.D.1. It is true to suggest that under Pradhana Mantri Mudra Yojana , there are non form sector, non corporate, micro and small sectors. It is true to suggest that defendants come under micro scheme. the loan was sanctioned in all the cases to defendants for provision stores and as per their requirement. In that respect I need to look in to the document. It is true to suggest that I did not state in my plaint, what purpose the loan was sanctioned.?

Now I see Ex.P.1, second page. It is true to suggest that on last date of hearing I deposed that it is the loan sanction letter. It is true to suggest that specifically not stated in Ex.P.1, about loan sanction. It is true to suggest that page 2 is part and parcel of Ex.P.1. It is true to suggest that my bank has branches at Bengaluru. It is true to suggest that loans under the aforesaid schemes are given at Bengaluru branches. Within 50 k.m , my bank exercises jurisdiction but on basis of bank Manager discretion loan was sanctioned to defendants. Defendants are reside at Bengaluru. 40.km from my branch to defendant's address. I am not aware the distance is 80-100 k.m from my bank to the address of the defendants. I can produce the documents to show my discretion power to sanction loan behind jurisdiction of my bank.

It is false to suggest that there is no such condition under Pradhana Mantri Mudra Yojana that loan could be sanctioned only to localities within Bank jurisdiction. It is false to suggest that there is another such condition that borrower should be account holder at least for one year. Account must be opened defendant in 2015. I need to look in to the document to find out and account was opened on the day application for loan was filed. It is false to suggest that age limit for a beneficiary under the scheme is 18-24. It is true to suggest that defendant is above 50 years.

Question: There is no time limit under the scheme for repayment. ?

Answer: It is not specified in the scheme about time , witness volunteers that repayment is on demand. They have to pay on demand subject review or renewal every year. The witness told to show review or renewal.? As per Ex.P.4, they must be a review or renewal. Ex.P.4 does not specify Pradhana Mantri Mudra Yojana. It is false to suggest that since Ex.P.4 does not come under Pradhana Mantri Mudra Yojana, scheme is not specified in the document. The schemes are brand names but loan documents will be in bank formats. There is no such specification under Pradhana Mantri Mudra Yojana to sanction loans under bank formats. In this case every year it is reviewed, but once it has become NPA , it cannot be renewed. I did not produce documents to show NPA.

NPA happens Once payment is stopped after 91 days from due date , automatically it becomes NPA. It is true to suggest that None of the documents in the said case specified NPA. It is true to suggest that in all the documents it is not mentioned when defendants committed NPA. We correspond through phone or letters to the defendants in case of default and NPA. I did not produce any such kind of correspondence documents in forming about NPA to defendants. It is true to suggest that it is not mentioned in my documents, in case of NPA bank can sue the defendants. It need not be mentioned in the documents. But authorized under RBI norms. It is false to suggest that under the scheme there is no condition to initiate legal proceedings against the defendant incase of default. It is false to suggest that under the scheme there is no condition to recover the amount under default. It is false to suggest that the time limit for repayment under the scheme is 5-7 years. It is true to suggest that the scheme is designed by Government.

It is false to suggest that the funds under the scheme has come to us from SIDBI (Small Industries Development Bank of India). The scheme is not under SIDBI. It is false to suggest that in case of NPA, EMI cannot be collected. I need to look in to the records to say about any such EMI are collected in this case.

Question: In this case, even after NPA, we have accepted EMI and despite of it issued legal notice to defendants. ?

Answer: False, we are authorized to give notice it is still case of NPA. It is a running account and not called as EMI.

Now I see legal notice, Ex.P.7. I have produced postal receipt and I did not produce postal acknowledgment for service. There are no any such kind of documents to show the loan can be recovered under the scheme. It is false to suggest that in case of default, the entire loan will be refunded by the Central Govt under the scheme. It is false to suggest that since the defendants have 5-7 years time for repayment, the suit is premature.

The base rate of interest under the scheme is 9.65% at the time of release. It is false to suggest that I have charged higher interest as against provided under the scheme. I need to see and check under the scheme , the base rate of interest was Rs.9.65%. Now I see Ex.P.2 to 5 It is true to suggest that these documents was taken by me as on the date of application. It is false to suggest that I am well aware under the scheme I cannot initiate legal proceedings, yet I am deposing false evidence. It is false to suggest that I created Ex.P.5.

Re examination : Nil

(Evidence deposed by the witness is computerized to my dictation in the open court). R O I & A C

V Addl. Court of Small Causes Judge,
Member MACT & 24th ACMM.