CWP No. 2057 of 2024

01.04.2026 **Present:** Mr. Naresh K Tomar, Advocate, for the petitioner.

Mr. L.N.Sharma, Additional Advocate General for respondents No. 1,2 and 4.

Mr. Raman Jamalta, Advocate, for respondent Nos.3 and 5.

Mr. Rakesh Thakur, Advocate, for respondents No.6 and 7.

Sh. Hari Dass, Secretary of the respondent-CMP Cooperative Society Lower Bazar Rajgarh, District Sirmour has attended the hearing alongwith some records.

2. Heard.

3. According to respondents No. 6 & 7, loan amounting to Rs. 13,000/- was sanctioned in favour of the petitioner on 01.11.2002 and disbursed to him the same day. Petitioner re-paid an amount of Rs.1540/- alongwith interest of Rs.160/- on 30.11.2002; Petitioner thereafter deposited a consolidated amount of Rs.5,380/- on 31.03.2003; He did not deposit any amount towards re-payment of loan thereafter. It has further been stated for respondents No.6 & 7 that pursuant to 'Agricultural Debt Waiver and Debt Relief Scheme, 2008' notified by the Ministry of Finance on 28.05.2008, the loan advanced to the petitioner on 01.11.2002 against account No.97 was waived off.

Learned counsel for the petitioner also acknowledges and admits the above to be the correct position.

4. The controversy in this petition revolves around second loan statedly sanctioned and released to the petitioner in the year 2009. According to respondents No. 6 & 7, petitioner had executed a pronote on 20.03.2008 (Annexure R-6/A), seeking loan of Rs. 15,000/-. On the basis of this pronote, loan of Rs.15,000/- was sanctioned and disbursed to the petitioner the same day. According to respondents No. 6 & 7, petitioner did not re-pay the second loan amount of Rs.15,000/- against account No.34, therefore, recovery proceedings in question in this petition were initiated by them.

The Secretary of respondents No.6 & 7 has candidly admitted that loans are sanctioned after verifying sound financial condition of the applicant. Prima facie, no plausible reasons have come forth for sanctioning the second loan in petitioner's favour on 20.03.2008; when petitioner had admittedly not deposited any amount towards re-payment of first loan after 31.03.2003; when petitioner's first loan amount was still standing in red and had not even been waived off (the notification for waiving the Agricultural Debts came into being on 28.05.2008).

Petitioner disputes having taken any loan amounting to Rs.15,000/- either in the year 2008 or 2009. An endeavour was made for respondents No.6 & 7 to submit that though the petitioner had given the pronote for taking second loan of Rs.15,000/-, but the loan was actually released in his favour on 20.03.2009. However, the fact remains that the petitioner was already a defaulter against the first loan account. Furthermore, Annexure R-6/A at the top right hand corner, refers to account No.17, whereas, as per the reply, petitioner was sanctioned second loan against account No.34.

In view of above, I am of the considered view that the above financial aspects and relevant factors need to be inquired into and examined by the concerned Assistant Registrar i.e. Respondent No.4- the Assistant Registrar Cooperative Societies-cum-Tehsildar Recovery, District Sirmour, at Nahan. Accordingly, respondent No.4 is directed to conduct an inquiry with respect to above vis-à-vis the documents/registers/accounts etc. maintained by respondents No.6 & 7. While conducting inquiry, it shall be open for respondent No.4 to associate all the concerned officials/stakeholders including the petitioner.

Report be furnished by the next date.

List on **18.05.2026.**

Jyotsna Rewal Dua
Judge

April 01, 2026
(R.Atal)