

X

ITEM NO.33

COURT NO.4

SECTION XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).33203-33204/2012

(From the judgement and order dated 01/04/2011 in WA No.390/2011,WA No.391/2011 of The HIGH COURT OF MADRAS)

M.PALSWAMY

Petitioner(s)

VERSUS

SUPDT.OF POLICE TIRUNVELI DIST.& ORS.

Respondent(s)

(With office report)

Date: 12/04/2013 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. C.K.R.Lenin Sekar, Adv.  
Mr. Vinodh Kanna B., Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

In the impugned Order of the High Court at paragraph 7, it has been stated by the Bank that if the loan of the borrower exceeds Rs. 50,000/-, then he would be treated in the category of "other farmers" as per Rule 6.1 of Clause 6 of the Waiver Scheme, which is reproduced as under :-

"6 Debt Relief

6.1 In the case of "other farmers", there will be a one time settlement (OTS) Scheme under which the farmer will be given a rebate of 25 per cent of the 'eligible amount' subject to the condition that the farmer pays the balance of 75 per cent of the 'eligible amount'.

provided that in the case of revenue districts listed in Annex-I, 'other farmers' will be given OTS rebate of 25 per cent of the 'eligible amount' of Rs. 20,000, whichever is higher, subject to the condition that the farmer pays the balance of the 'eligible amount'.

However, in view of this Clause, learned Single Judge of the High Court permitted the petitioner to deposit 75% of the balance due within four weeks and if the said amount was paid, the petitioner would be eligible for a rebate of 25% of the loan amount.

Learned counsel for the petitioner has vehemently agitated and contended that this Clause is not applicable in case of the petitioner and the Bank is totally unjustified in relying on Clause 6.1 of the Waiver Scheme. Although, we are not fully convinced by the submission of the petitioner's counsel, we deem it appropriate, in the interests of justice, to cross-check the view taken by the High Court.

Issue notice confined to Respondent No. 3 - The Bank Manager, Indian Bank, returnable within four weeks.

| (Jayant Kumar Arora)  
| Sr. P.A.

| | (Sneh Bala Mehra)  
| | Court Master

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