ITEM NO.37 COURT NO.10 SECTION IX

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 (C) No. 16087/2017

(Arising out of impugned final judgment and order dated 30-01-2017 in WP No. 4399/2013 passed by the High Court of Judicature at Bombay)

NATIONAL BANK OF AGRICULTURE AND
RURAL DEVELOPMENT (NABARD) MANAGER & ANR. Petitioner(s)

VERSUS

ABDUL MAJID BABASO MOMIN & ORS. Respondent(s)

(With IA No. 27124/2019 - EXEMPTION FROM FILING O.T. and IA No. 133979/2017 - EXEMPTION FROM FILING O.T. and IA No. 79446/2017 - EXEMPTION FROM FILING O.T. and IA No. 77977/2017 - EXEMPTION FROM FILING O.T. and IA No. 50540/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 26287/2019 (IX)
(FOR ADMISSION and I.R. and IA No.167827/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 21773/2019 (IX)
(FOR ADMISSION and I.R. and IA No.138405/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 18306/2017 (IX)

SLP(C) No. 19276/2017 (IX)

SLP(C) No. 19273/2017 (IX)

SLP(C) No. 19378/2017 (IX)

SLP(C) No. 22159/2017 (IX)

SLP(C) No. 19566/2017 (IX)

SLP(C) No. 22161/2017 (IX)

SLP(C) No. 19182/2017 (IX)

SLP(C) No. 19171/2017 (IX)

SLP(C) No. 19263/2017 (IX)

SLP(C) No. 19274/2017 (IX)

SLP(C) No. 19211/2017 (IX)

SLP(C) No. 19212/2017 (IX)

SLP(C) No. 18107/2017 (IX)

SLP(C) No. 18975/2017 (IX)

SLP(C) No. 18966/2017 (IX)

SLP(C) No. 22163/2017 (IX)

SLP(C) No. 25224/2017 (IX)

SLP(C) No. 22148/2017 (IX)

SLP(C) No. 17760/2017 (IX)

SLP(C) No. 18303/2017 (IX)
(With IA No. 98022/2018 - APPLICATION FOR SUBSTITUTION and IA No. 98033/2018 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 31596/2017 (IX)

SLP(C) No. 17716/2017 (IX)

SLP(C) No. 18267/2017 (IX)

SLP(C) No. 18500/2017 (IX)

SLP(C) No. 25422/2017 (IX)

SLP(C) No. 18929/2017 (IX)

SLP(C) No. 19214/2017 (IX)
(With IA No. 98114/2018 - APPLICATION FOR SUBSTITUTION and IA No. 98116/2018 - I/A FOR C/D IN BRINGING THE LRS ON RECORD)

SLP(C) No. 24654/2017 (IX)

SLP(C) No. 18268/2017 (IX)

SLP(C) No. 22151/2017 (IX)

SLP(C) No. 19684/2017 (IX)

SLP(C) No. 19568/2017 (IX)

SLP(C) No. 19640/2017 (IX)

SLP(C) No. 18950/2017 (IX)

SLP(C) No. 18922/2017 (IX)

SLP(C) No. 19623/2017 (IX)

SLP(C) No. 17666/2017 (IX)

SLP(C) No. 18391/2017 (IX)

SLP(C) No. 18606/2017 (IX)

SLP(C) No. 18521/2017 (IX)

SLP(C) No. 18525/2017 (IX)

SLP(C) No. 18517/2017 (IX)

SLP(C) No. 18648/2017 (IX)

SLP(C) No. 18516/2017 (IX)

SLP(C) No. 17758/2017 (IX)

SLP(C) No. 17767/2017 (IX)

SLP(C) No. 18273/2017 (IX)

SLP(C) No. 18349/2017 (IX)

SLP(C) No. 18271/2017 (IX)

SLP(C) No. 18476/2017 (IX)

SLP(C) No. 18928/2017 (IX)

SLP(C) No. 17683/2017 (IX)

SLP(C) No. 17701/2017 (IX)

SLP(C) No. 17658/2017 (IX)

SLP(C) No. 18934/2017 (IX)

SLP(C) No. 18899/2017 (IX)

SLP(C) No. 18503/2017 (IX)

SLP(C) No. 17763/2017 (IX)

SLP(C) No. 19312/2017 (IX)

SLP(C) No. 17657/2017 (IX)

SLP(C) No. 17755/2017 (IX)

SLP(C) No. 17761/2017 (IX)

SLP(C) No. 17764/2017 (IX)

SLP(C) No. 22654/2017 (IX)

SLP(C) No. 18898/2017 (IX)

SLP(C) No. 18492/2017 (IX)

SLP(C) No. 17759/2017 (IX)

SLP(C) No. 17734/2017 (IX)

SLP(C) No. 17715/2017 (IX)

SLP(C) No. 18277/2017 (IX)

SLP(C) No. 18477/2017 (IX)

Date : 13-04-2022 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)
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Mr. Santosh Kumar Pandey, AOR

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Mr. Shivaji M. Jadhav, Adv.
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Ms. Qurratulain, Adv.
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M/s. S.M. Jadhav and Company, AOR

Mr. V. Chitambaresh, Sr. Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Pranay Ranjan, Adv.
Mr. Harish Pandey, Adv.
Mr. Kumar Shashank, Adv.
Mrs. Anil Katiyar, AOR

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

By the impugned judgment, the High Court noticing what it considered the plight of the farmers, while permitting the petitioner to go ahead in the case of fraudulent claims or on other valid grounds has discountenanced the applying of the Normal Credit Limit (NCL) for the purpose of taking away benefits already extended to marginal and small farmers.

When this case came up on 02.05.2018, this Court *inter alia* noted that there were 39649 accounts which consisted of loan facilities made available which extended up to Rs.50,000/-. It is the complaint of the respondents that on account of the pendency of the matter, the credits have been reversed and what is more, they are not in a position to avail fresh loans. Learned counsel appearing for the Bank also does not deny that fresh loans have not been sanctioned

to the marginal and small farmers.

In fact, our attention was drawn by the learned senior counsel for the petitioner to communication dated 10.08.2010 showing number of beneficiaries calculated at a total of 193 which is palpably wrong going by the number of beneficiaries shown in the portion above the total. Even if the total number of beneficiaries are totalled up, the figure falls far short of the number of beneficiaries noted by this Court i.e. 39649 in its order dated 02.05.2018.

There is need for clarity as to the present position, in particular, as to what is it that is found as against the 39649 of the account holders who have availed loans only up to Rs.50,000/-.

These special leave petitions were filed in the year 2017. As to what exercise has been carried out in terms of what is permitted under the impugned order is explained by way of pointing out that since the matter was pending no action was taken.

List these matters on 26th April, 2022.

On the said day, both the petitioner and also the Union of India will place before this Court by way of respective affidavits, the following information:

As regards the account holders mentioned in order dated 02.05.2018 – 39649 who have taken a loan of amount up to Rs.50,000/-, it will be clearly indicated as to what it is that is found against them.

The petitioner will also place before us as to any steps which it has taken in pursuance of the permission granted under the impugned judgment. In other words, the petitioner will place before us as to instances of fraud or other illegalities which it has discovered in respect of the accounts with the bank in question.

The petitioner-NABARD and Union of India will specifically indicate as to whether the criteria of Normal Credit Limit (NCL) has been applied in respect of loans by other banks in the country.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER