



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.23/1131/12-13

Dated:- 18.02.2014

In the matter of:

Shri Ajay Vikram Upadhyay,
Village Karetha Gosarpur,
Post Chhitepatti, Distt. Sultanpur

..... Complainant

Versus

Chairman-cum-Managing Director,
National Handicapped Finance and Development
Corporation(NHFDC),
Red Cross Bhawan, Sector-12,
Faridabad-121007.

..... Respondent No.1

Regional Manager,
Baroda Uttar Pradesh Gramin Bank,
Regional Office,
Baldev Niwas Compound,
Acharya Narendradev Road,
Fairzabad-224001.

..... Respondent No.2

Date of hearing : 18.07.2013,

Present :

1. Shri Ajay Vikram Upadhyay, Complainant.
2. S/Shri P.V. Rathi, Regional Manager & Rakesh Agrawal, Assistant Manager (Project), NHFDC on behalf of Respondent.

O R D E R

The above named complainant, a person with 50% locomotor disability filed a complaint dated 10.02.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding denial of loan.

2. The complainant submitted that he applied for a loan to Baroda U Gramin Bank for Soya Bean Prasankaran Unit under NHFDC programme on 11.08.2012. But Bank denied the same giving reason that the project report was not considerable. He re-applied with correct report on 06.11.2012 and visited the Branch Office and Regional Office of the Bank many times but did not get justifiable reply. He further made an application to branch Manager on 09.01.2013 but he got a reply that raw material of that project is not available in UP. However, as per the complainant, Soya is available in Kanpur,

.....2/-

Varanasi, Urai and Jalon in Uttar Pradesh. The complainant submitted that all the relevant documents were submitted by him with the project report to the bank. He requested for approval to grant him the loan for above purpose.

3. The matter was taken up with the Chairman-cum-Managing Director, National Handicapped Finance and Development Corporation (NHFDC), Faridabad vide letter dated 14.03.2013.

4. The Manager (Project), NHFDC vide letter No.N.H.F./2/22(8)/1/82585 dated 19.03.2013 submitted that the matter was taken up with the Baroda Uttar Pradesh Gramin Bank vide letter dated 21.01.2013 for intimating the current status of the matter to NHFDC of Shri Ajay Vikram Upadhyay. The Baroda Uttar Pradesh Gramin Bank vide letter dated 22.02.2013 informed the NHFDC that Soya Bean Prasankaran Project of Shri Ajay Vikram Upadhyay keeping in view the experience of the applicant, personal dealing, availability of raw material in the market and practicability of the project were not found proper for providing finance..

5. The copy of respondent's reply dated 19.03.2013 was forwarded to complainant vide letter dated 05.04.2013 for submission of his comments/rejoinder.

6. The complainant vide e-mail dated 22.04.2013 submitted that he completed the entrepreneur training from Central Institute of Agriculture Engineering (CIAE), Bhopal in Soya Bean Prasankaran Unit which is renowned Government College. This training is only meant for entrepreneurship. BHU IT, Varanasi was ready to give technical guidance to these projects. He applied for a loan on 11.08.2012 and the Bank after two months denied credit giving reason project report not considerable with misbehaved reply and embarrassing behaviour towards them. After removing all deficiencies in report, he reapplied for the loan on 06.11.2012 and went number of times to Branch office meet the Branch Manager. He also met with the Regional Manager and convince him for loan approval. The Regional Manager replied with ignorance and replied go to Branch office why came here. He spent around Rs.40,000/- for preparing reports and travelling.

7. Upon considering the letter dated 19.03.2013 of the respondent and the rejoinder dated 22.04.2013 of the complainant, the case was scheduled for hearing for 18.07.2013.

8. On the date of hearing on 18.07.2013, the representative of the respondent No.2 submitted that although the complainant has taken entrepreneur training of only 6 days regarding Soyabean processing unit but he has no proper required experience regarding the operation of Soyabean processing units, manufacturing, marketing etc. Neither the skilled labourers are locally available nor in the vicinity of the proposed project area. Thus neither the technical assistance nor the skilled labourers having complete technical know-how are easily available on reasonable cost for the project. Loan proposal was sent by complainant directly to branch Chhitepatti by registered post wherein the loan application form signed by him was fully blank and the required relevant papers were not annexed. Branch Chhitepatti sent the above papers to Regional office for guidance as the complainant was not cooperating in completing the formalities and continuously tried to build-up the undue pressure on the Branch officials. In the above situation, Regional Office returned the same to the Branch. After filling the loan application form and enclosing quotations etc., it was submitted to

Branch Chhitepatti by the complainant. Branch forwarded the same to Regional Office. The complainant visited the Regional Office, Faizabad to meet with the then Regional Manager. He was given sufficient time to know his experience, ability, availability of skilled/experienced labourers, raw materials, marketing of produce etc. by the then Regional Manager and found that the complainant was unable to explain the things and tried to justify the project. In the above situation the loan proposal was rejected by the Regional Office. The respondent also submitted that the complainant had taken loan from Bank of Baroda and defaulted in repaying the loan. A criminal case is also going against the complainant. The complainant has no customer in hand who will purchase his products.

9. The representative of NHFDC, respondent No.1 submitted that they have no role in the matter.

10. In the above view of the matter, this Court directs the respondent No.1, NHFDC to intimate as under:-

- (i) What is the role and say of NHFDC in acceptance and rejection of loan proposal given by the state channelising agencies to a person with disability.
- (ii) How many persons with disability have defaulted in repaying the loan for the last three years.

11. Respondent No.2, Baroda Uttar Pradesh Gramin Bank is directed to intimate as under:-

- (i) Keeping in mind the 8 acres of land of the complainant, which he offered to mortgage, what is the feasibility of sanctioning loan amount?
- (ii) The loan amount of Rs.56,000/- taken by the complainant from the Baroda Uttar Pradesh Gramin Bank has already been returned by him, however, a little late because of complainant's illness. What were the reasons behind assessing the complainant as defaulter by the Bank.
- (iii) The question on the conduct/behaviour of the complainant in the light of FIR filed against him has been replied to by the complainant that he has been finally acquitted from the charge by the Hon'ble High Court. The reason behind doubting the conduct of Mr. Ajay Vikram Upadhyay should be intimated.

12. The complainant Shri Ajay Vikram Upadhyay is directed to intimate as under:-

- (i) Whether he has got any offer letter or demand letter from the prospective consumers regarding sale of Soyabean products and whether the Technocrafts/Technical Experts from Banaras Hindu University have given a written assurance to support his Project. How many projects of Soyabean related products are already running in U.P.

- (ii) If any loan was sanctioned by the Bank of Baroda, Branch Dostpur, District Sultanpur to the complainant earlier. Why did not he start or establish the Project for which the loan was sanctioned.

13. The intimations should reach this Court with copies to all concerned within 30 days from the date of receipt of these Record of Proceedings. Further hearing, if necessary, will be scheduled any time after the receipt of this letter.

14. The Manager(Project), National Handicapped Finance and Development Corporation, Faridabad vide letter No.NHF/2/22(8)/13/86225 dated 22.09.2013 submitted the point-wise clarification as under:-

“1. Baroda Uttar Pradesh Gramin Ban is the one of the Implementing Agency of NHFDC in the state of Uttar Pradesh. As per clause 6 of MoU signed by the Baroda Uttar Pradesh Gramin Bank with NHFDC, “Bank may reject a loan application received by their branch/office, in case it is not found to be economically viable/technically feasible/unserviceable by the branch, by recording the reasons and with the approval of designated competent authority of the Bank in such cases.” NHFD do not interfere in the process of sanction of loan by the Bank. However, whenever any dispute is brought to the notice of NHFD, the Bank is requested to furnish the relevant information to NHFDC.

2. As per norms and procedure of NHFDC, the loan is released by NHFDC to the Channelising Agency for further disbursement to beneficiary or the same is refinanced by NHFDC in case implementing agency had released its own fund. The loan to the beneficiary is given by the Implementing agency and it is the responsibility of the implementing agency to recover the loan from the beneficiary in suitable instalments. Hence, the information sought by the court of CCD is not available in NHFDC.”

15. The complainant in his rejoinder vide e-mail dated 29.10.2013 submitted that he had completed training from Central Institute of Agriculture Engineering (CIAE), Bhopal in Soyabean Prasanskaran Unit which is renowned Govt. College and the training is only meant for entrepreneurship. When the Govt. agency is certifying this course only for entrepreneurship why the bank requires written assurance? Number of Soyabean Prasanskaran Unit have already been established in Punjab, Haryana and Rajasthan after training from CIAE, Bhopal. Same course for soyA milk are being run by the National Small Industries Corporation Limited (NSIC), Delhi and the loan had been sanctioned by the banks. Regarding criminal cases, he submitted that the same was not admitted at Hon'ble High Court of Lucknow and he had already been acquitted by Hon'ble Court, ADJ-1, Sultanpur on 09.09.2010. He also submitted that he did not see any person with disability getting loans sanctioned by the Baroda Uttar Pradesh Gramin Bank. He also submitted that the Branch Manager of Baroda UP Gramin Bank branch Chhitepatti is a corrupt and rude person and never funded any loan to anybody run by the NHFDC and PMEGP that is meant for persons with disabilities or unemployed persons. The charges filed by the bank are false and misleading.

16. After considering the reply dated 22.09.2013 of the respondent and rejoinder dated 29.10.2013 of the complainant, this Court is of the view that the bank may reject a loan application received by their branch/office in case it is not found to be economically viable/technically feasible and there are chances of mis-utilization of the loan amount. In the above view of the matter, the Bank of Baroda, Branch Dostpur, District Sultanpur, should examine the matter at their end regarding grant of loan to the complainant and intimate the action taken to this Court within 30 days from the date of receipt of this order.

17. The matter stands disposed off.

Sd/-
(P. K. Pincha)
Chief Commissioner
for Persons with Disabilities