(2017) 05 NCDRC CK 0039

In the National Consumer Disputes Redressal Commission

Case No : 1201 of 2017

NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT (NABARD) & ANR.	APPELLANT
Vs	
RAMSWAROOP MEENA & ANR.	RESPONDENT

Date of Decision : 22-05-2017

Acts Referred:
Consumer Protection Act, 1986, Section 21(b), Section 2(1)(d) - Jurisdiction of the National Commission - Definitions

Citation : (2017) 05 NCDRC CK 0039

Hon'ble Judges : D.K. Jain, M. Shreesha

Advocate : Rajesh P.

Judgement

1. These three Revision Petitions, under Section 21(b) of the Consumer Protection Act, 1986 (for short "the Act"), by National Bank for Agriculture and Rural Development (for short "NABARD") and one of its Regional Offices, Opposite Parties No. 2 and 3 in the Complaints, are directed against a common order dated 13.02.2017, passed by the Rajasthan State Consumer Disputes Redressal Commission at Jaipur (for short "the State Commission") in First Appeals No. 356, 357 and 358 of 2016. By the impugned order, while affirming the finding recorded by the District Consumer Disputes Redressal Forum at Sawai Madhopur (for short "the District Forum") in its order dated 16.06.2015 in Original Complaints No. 415, 451 & 414 of 2013 to the effect that there was deficiency in service on the part of NABARD in not extending the assistance to the Complainants, releasing to them subsidy under the Pilot Scheme, styled as "Venture Capital Scheme for Dairy and Poultry", the State Commission has dismissed the Appeals, preferred by NABARD.

2. In the first instance, while accepting the Complaints filed by some Entrepreneurs, who had raised small loans from Bank of Baroda, Opposite Party No.1 in the Complaints, for the purpose of establishing dairy and poultry business on a small-scale for earning their livelihood, the District Forum had

directed NABARD to release to each of the Complainants the subsidy amounting to 1,66,650/-, 1,66,650/-, 125,000/- respectively in each of the cases. The District Forum had also directed NABARD to pay a sum of 10,000/- each as compensation for the mental agony, physical harassment and financial loss, suffered by the Complainants, on account of non-release of the aforesaid amounts towards subsidy, as also the litigation expenses, quantified at 5,000/- each.

3. Learned Counsel appearing for NABARD has strenuously urged that both the Forums below have failed to appreciate that the Applications filed by the Complainants for release of the subsidy amounts were not forwarded by the Bank to NABARD through proper channel and the same were also not on the prescribed format. It is also urged that since the services provided by NABARD in granting subsidy under the aforesaid Scheme are without any consideration, the Entrepreneurs could not be treated as the ''consumers'' within the meaning of Section 2(1)(d) of the Act.

4. Having carefully perused the documents on record, including the object of the Scheme, viz. to generate more jobs by way of self-employment by encouraging small Entrepreneurs at the ground level for establishing their own business, like dairy and poultry farming, we are of the opinion that the objections taken by NABARD in rejecting the claims of the Complainants are hyper-technical and against the very spirit and object of the Scheme, more so when it is not their case that the Complainants did not establish their business.

5. Apart from the fact that the concurrent finding of fact, recorded by both the Forums below to the effect that non-release of subsidy amounts to deficiency in service on the part of NABARD, is based on documentary evidence, in particular the claim form forwarded by the Controlling Office of the Bank of Baroda, Opposite Party No.1, to NABARD for release of the capital subsidy under the aforesaid Scheme, we find that the Bank had taken all requisite steps in forwarding the claim forms to NABARD. As a matter of fact, the said forms contained endorsements to the following effect:

"1. We undertake having complied with all the instructions contained in NABARD circular No. 186/TSD-03/2010 dated 29/09/2010 regarding operational guidelines of the scheme while sanctioning above proposals.

2. We request you to release an amount of Rs.1,66,650/- (Rupees one lakh sixty six thousand six hundred and fifty only) as capital subsidy in respect of the above entrepreneurs."

6. On a pointed query by us as to what was the response by NABARD to the said communication by the Bank, it is stated by learned Counsel that the Complainants were duly informed that the claims had not been submitted through proper channel, on the prescribed form, and they were advised to take requisite steps in this behalf before their claim could be processed. However, learned Counsel candidly admits that no such communication in writing is

available on the record of these cases.

7. Under the aforesaid circumstances and bearing in mind the object of the Scheme as also the quantum of paltry amounts, directed to be paid to the small Entrepreneurs as subsidy, we do not find these cases to be fit for exercise of our limited revisional jurisdiction.

8. Accordingly, the Revision Petitions are dismissed in limine , keeping open the question as to whether the Complainants could be treated as ''consumers'' within the meaning of the Act, to be decided in some other high stake case.