

THE MAHARASHTRA PROVISION OF FACILITIES FOR AGRICULTURAL CREDIT BY BANKS RULES, 1975

In exercise of the powers conferred by sub-sections (1) and (2) of section 25 of the Maharashtra Provision of Facilities for Agricultural Credit by Banks Act, 1974 (Mah. V of 1975), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-section (3) of the said section 25 of the said Act, namely:-

1. These rules may be called the Maharashtra Provision of Facilities for Agricultural Credit by Banks Rules, 1975.
2. In these rules, unless the context otherwise requires, -
 - (a) Act means the Maharashtra Provision of Facilities for Agricultural Credit by Banks Rules, 1974 (Mah. V of 1975)
 - (b) "designed officer" means an officer designated by the State Government under section 4;
 - (c) "Form" means a form appended to these rules;
 - (d) "section" means a section of the Act;
 - (e) all words and expressions used herein and not defined in these rules but defined or used in the Act, shall have the meanings respectively assigned to them in the Act.
3. If an agriculturist fails to repay to the bank, the whole or part of the financial assistance obtained by him on or before the due date, the bank shall serve him or his heir or legal representatives with at least fifteen days clear notice, informing him that if he fails to pay the amount due within the period specified in the notice, the crops or other produce or movables (hereinafter referred to as the said property) charged to the bank shall be distrained and sold through the designated officer.
4. On the agriculturist failing to make the due payment to the bank within the period specified in the notice under rule 3 the bank may apply to the designated officer within whose jurisdiction the agriculturist resides or holds such property.
5. Every application under rule 4 shall be in Form A.
6. A copy of the original document creating the charge duly certified by an officer of the Bank authorized by it in this behalf shall be filed along with the application referred to in rule 5.
7. If the designated officer is satisfied that the application is in order he shall cause to be served on the agriculturist or his heir or legal representative, a written notice of demand in Form B, calling upon him to pay the amount specified in the notice within a period of fifteen days from the date of service thereof, or to show cause why the property charged be not distrained and sold.
8. The notice referred to in rules 3 and 7 shall be served by delivering a copy to the agriculturist or his heir or legal representative or to any adult male member of his family at his usual place of residence or to his authorized agent, or when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of his residence.
9. If the amount specified in the notice referred to in rule 7 or any part thereof is not paid within the time allowed therefor or if no cause is shown or where cause shown is considered by the designated officer to be insufficient, the designated officer shall distrain the said property.

10. The designated officer shall make proper arrangements for custody and preservation of the distrainted property during the interval between distraint and sale thereof. The applicant or any officer of the bank concerned, if so authorized by the applicant shall, if required by the designated officer, undertake the custody and preservation of the property distrainted.

11. The distraint shall be made at any time between sunrise and sunset.

12. If crops or ungathered produce of the land belonging to the agriculturist or his heir or legal representative are distrainted the designated officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered in due season stored in proper place until sold.

13. The purchaser shall not be permitted to carry any part of the said property until he has paid for it in full.

14. (1) Where any crop produce or any other movable property is distrainted and sold in accordance with the above rules, and dues and other charges incidental to such distraint and sale shall be deducted from the sale proceeds and the balance shall be appropriated towards the repayment of the dues of the bank.

(2) The agriculturist or his legal heir or legal representative shall be given receipt for the amount discharged from the sale proceeds.

15. Where prior to the date fixed for sale, the agriculturist or his heir or legal representative or any other person acting on his behalf or any person claiming an interest in the said property distrainted pays the full amount due including interest and other expenses, incurred in the distraint, custody and preservation of the said property charged, the designated officer shall not proceed with the sale and shall release the property forthwith in favour of the person claiming the said property and paying for the same.

16. The notice required to be given by an agriculturist and the bank under section 6 shall be in Form "C" and in Form "D" respectively.

17. The notice required to be given under sub-section(2) of section 7 shall be in Form "D".

18. On receipt of a notice in Form "D", the Government, Co-operative Society or the bank, as the case may be, shall (after making such enquiries as may be deemed necessary with regard to the effect which the sanction or proposed financial assistance, would have on the security already charged or mortgaged to it by the agriculturist and on the capacity of the agriculturist to repay the financial assistance already advanced to him), decide whether to give consent for sanction of proposed financial assistance or not.

19. The decision of the Government, Co-operative Society or the bank, as the case may be, under rule 18 shall be communicated, in writing, to the agriculturist and the Government, Co-operative Society, or the bank, as the case may be, within one month of the date of receipt of the notice by it.

20. In case the Government, the co-operative society or the bank, as the case may be, fails to communicate its decision within the time mentioned in rule 19, it shall be presumed that the Government, the co-operative society or the bank, as the case may be, has not consented to the sanction of financial assistance to the agriculturist and the Government, the co-operative society

or the bank shall thereafter be free to dispose of the application for financial assistance made to it by the agriculturist as may be deemed fit.

21. A copy of the document creating a charge or variation of the declaration referred to in section 8 shall not be a carbon copy but shall be a neatly handwritten, printed or type-written copy or a cyclostyled copy or type-written matter on only one side of the paper.

22. Such copy of the document shall further contain the following particulars, namely:-

- (a) the number of stamps and their value, and
- (b) a copy of the endorsement made by the stamp vendor or the treasury or the bank on such stamps.

23. Copies of instruments which comply with the requirements mentioned above duly certified by the officer authorized by the Bank in this behalf shall be sent by the bank to the Registering Officer concerned within a period of three months from the date of execution of the instruments by registered post or by hand delivery.

24. The registering officer receiving the copy of the document referred to in rule 23 shall send the acknowledgement normally within a week from the date of its receipt.

25. Where the registering officer is satisfied that the document referred to in rule 21 has not been made on a duly stamped paper, he shall forthwith return the copy to the bank with an endorsement to that effect.

26. Where a copy of the document creating a charge has been sent to a registering officer under section 8, the bank or any employees thereof duly authorized by it in this behalf, may at any time inspect the relevant record of the registering officer concerned to ensure whether the said copy has been filed in accordance with the provisions under section 8, in his book No.1, prescribed under section 51 of the Registration Act, 1908, No fee shall be charged for such inspection.

27. On receipt of intimation under section 9, the talathi or such other revenue officer as may be designated by Government, shall acknowledge the same within 15 days from the date of receipt of such intimation. He shall also make note of the particulars of charge or mortgage in the Record of Rights relating to the land, within one month from the date of receipt of such intimation. The bank in whose favour such a charge is created or mortgage is given, may, at any time through any of its employees duly authorized in that behalf, inspect the relevant record of the revenue officer concerned, to ensure whether the said charge or mortgage has been duly recorded and taken note of in the concerned register.

28. The talathi or concerned revenue officer shall not cancel or change or alter the relevant entry, unless intimation in writing to that effect is received from the concerned bank.

29. (1) Every application by a bank under sub-section (1) of section 11 for the sale of land or interest therein shall be in Form "E".

(2) A copy of the original document creating the charge or mortgage duly certified by an officer of the Bank authorized in this behalf shall be filed along with the application referred in sub rule (1).

30. On receipt of the application referred to in sub-rule (1) of rule 29, the prescribed authority shall cause to be noted thereon, the date of its presentation and if it is satisfied that the application is in order, a notice in Form "F" shall be served on the agriculturist or his heirs or legal representatives, as the case may be.

31. If the agriculturists or his heirs, or legal representatives, fail to pay the amount due to the bank within one month from the date of receipt of notice, the prescribed authority shall pass orders for the payment of sum or sums due to the bank by the sale of his land or any interest therein, which is subject to charge or mortgage. While passing such orders, he shall have due regard to the provisions or section 5, 6 and 7.

32. The period within which it shall be incumbent upon the bank to sell the land or interest therein acquired by the bank in pursuance of the provisions of sub-section (1) of section 12 shall be three years from the date of such acquisition or such further period as the State Government or any officer authorized by that Government in this behalf, may allow.

33. An application regarding a reference of a dispute under section 16 shall be made to the Registrar in Form G.

THE BOMBAY HIGH COURT JUDGES' LIBRARY

FORM "A"
(See rule 5)

Before the (Distrainer) Tahsil
District Applicant (Bank).

v.

..... Opposite party (Agriculturist or his heirs or legal representatives).

Application under section (.....) for the distraint and sale / of
crop, produce or other movable property.

1. Name and address of the agriculturist. If the agriculturist is dead, the name of his heir or legal representative should also be stated.
2. The amount of the financial assistance.
3. Date when the charge was created.
4. Date when the loan was actually advanced.
5. The nature of the transaction and terms of the loan.
6. Total amount due (including interest).
7. Payments, if any, made by the agriculturist along with date of such payment.
8. Net amount due on the date of application (excluding cost.)
9. Description of the property charged or mortgaged. It is therefore, requested that the property hereinbefore mentioned may be distrained and sold, and the amount due be paid to the Bank.

Enclosure.

Agent / Officer-in-charge.

..... Bank.

Date

FORM "B"
(See rule 7)

Before the (Distraîner) tahsil district
.....

Form of notice under rule 7 of the Maharashtra Provision of Facilities for Agricultural
Credit by Banks Rule 1975.

To

Shri
.....

Whereas Shri borrowed a sum of Rs..... on
..... 20 , as financial assistance from Bank
..... Branch, district by creating a charge on the crops,
produce or other movable specified below;

And whereas, the amount due to the said Bank has not yet been paid, and the Bank has
made an application (copy enclosed) that the property specified below be distrained and sold;

You are, therefore, called upon to pay a sum of Rs..... within a period of
fifteen days from the date of service of this notice and / or to show cause why the property
specified below be not distrained and sold, and the amount due be not paid to the Bank from the
sale proceeds thereof.

Description of the crop, produce or other movable charged.

.....
.....

Dated

..... Distraîner

Seal

FORM "C"
(See rules 16 and 17)

Form of notice under section 6 of the Maharashtra Provisions of Facilities for Agricultural Credit by Banks Act, 1974.

I, Shri..... aged, residing at village taluka, district and holder of lands Survey Nos. / Gat Nos..... of village admeasuring about Hectare and assessed at Rs..... hereby declare my intention to borrow by way of financial assistance * / by way of term loan for development purposes from Bank / Government / Co-operative Society to the extent of Rs..... and further declare that I propose to give the aforesaid land in mortgage and / or create a charge in favour of the said Bank / Government / Co-operative Society on the aforesaid land in security thereof.

I furnish below other particulars as under :

- (1) Name in full (beginning with surname)
- (2) Address.
- (3) Name of the co-operative society or societies of which I am a member.
- (4) No. of shares held by me in the said society or societies and the amount.
- (5) Amount of loans advanced by the society to me –
 - (a) Short term –
 - i) Total loan outstanding on the date of application.
 - ii) Overdues, if any, on the date of application and the date of default.
 - (b) Medium term –
 - i) Total loan outstanding on the date of application.
 - ii) Overdues, if any, on the date of application and the date of default.
 - iii) Purpose for which loan was taken.
- (6) Long term loan taken from Land Development Bank –
 - i) Total loan outstanding on the date of application.
 - ii) Overdues, if any, on the date of application.
- (7) Description of property (movable or immovable) mortgaged / charged by me in favour of –
 - (a) The Co-operative Society.
 - (b) The Land Development Bank.
- (8) Amount of Government or any other loan outstanding on the date of application.

N. B. If the application is a member of more than one society and / or has borrowed from more than one society the details of borrowings from all such societies should be stated in the above form.

* Strike out what is not applicable.

FORM "D"
(See rules 16 and 17)

Form of notice under section 6 by bank intending to sanction financial assistance or by the Co-operative Society or Government under section 7(2) of the Maharashtra Provision of Facilities for Agricultural Credit by Banks Act, 1974,

NOTICE

From:

..... No. Date

.....

.....

To:

.....

.....

.....

Sir,

Shri..... of village taluka
..... district has approached us for the sanction of financial assistance* /by way of term loan for development purposes as detailed by him in his notice in Form C (a copy whereof is attached herewith). The applicant / intending borrower has also furnished all the details of the borrowings in the said notice.

2. Now, having considered his needs, we are considering to sanction him the financial assistance*/by way of term loan for development purposes as would be found admissible according to our rules and on the terms and conditions prescribed by us.

3. You are, therefore, requested to take notice thereof and to state whether you consent to our sanctioning the financial assistance applied for by Shri..... You are also requested to communicate your consent in writing within a period of one month from the date of receipt of this notice as required by rule 19 of the Maharashtra Provision of Facilities for Agricultural Credit by Banks Rules, 1975. Please also take further notice that in case you fail to give your consent within the stipulated period it shall be construed that you have not consented to the sanction of financial assistance and that we shall be free to dispose of the application as deemed fit.

.....

Agent / Branch Manager,
Designated Officer in the case of Government.

* Strike out what is not applicable.

Enclosure – (1) A copy of notice in Form "C"

Copy forward to the District Deputy Registrar, Co-operative Societies
for information and necessary action.

FORM E
[See rule 29(1)]

Before the Prescribed Authority

Versus

Opposite Party (Agriculturist or his heir or Legal Representatives)

Application under section 11(2) of the Maharashtra Provision of Facilities for Agricultural Credit by Banks At, 1974,

1. Name of the Agriculturist to whom the financial assistance was granted, (If the agriculturist is dead, the name of his heir or legal representatives should also be stated.
2. The amount of the financial assistance.
3. Date when the deed was executed.
4. Date when the deed was registered.
5. Date when the loan was actually advanced.
6. The nature of transaction and the terms of the loan.
7. Total amount due (including interest)
8. Payments, if any, made by the agriculturist along with the date of such payments.
9. Net amount due on the date of application (excluding cost)
10. Description of the property charged/ mortgaged.

It is, therefore, requested that the amount due to the Bank may be directed to be paid by the sale of the property hereinbefore mentioned.

Enclosure:

Agent / Officer-in-charge.

..... Bank.

Date

FORM F
[See rule 30]

Before the Prescribed Authority

Notice under section 11(1) of the Maharashtra Provision of Facilities for
Agricultural Credit by Banks Act, 1974.

To

Shri.....
.....

Whereas, Shri..... Borrowed a sum of Rs..... as financial assistance from branch, district on the basis of a deed of charge / mortgage executed on in respect of the property specified below:-

And whereas, the amount due to the said bank has not yet been paid and the bank has made an application (copy enclosed) that the property specified below be sold.

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 11 of the Maharashtra Provision of Facilities for Agricultural Credit by Banks Act, 1974 you are hereby called upon to pay the entire amount due to said bank, within a period of one month from the date of service of this notice.

Please take notice that in the case of default, the property specified below shall be sold in accordance with the provisions of the Act, and the rules made thereunder.

Description of the property charged / mortgaged.

.....
.....

Date

Seal

Prescribed Authority.

FORM G

[See rule 33]

Application regarding reference of a dispute

To

The Registrar / Additional / Joint / Deputy / Assistant Registrar, Co-operative Societies

.....

- | | | | |
|----|------------|---------|------------|
| 1. | Name | Age | |
| | Occupation | Address | |
| 2. | Name | Age | |
| | Occupation | Address | Disputants |
| 3. | Name | Age | |
| | Occupation | Address | |

Versus

- | | | | |
|----|------------|---------|-----------|
| 1. | Name. | Age | |
| | Occupation | Address | |
| 2. | Name | Age | |
| | Occupation | Address | Opponents |
| 3. | Name | Age | |
| | Occupation | Address | |

Particulars of the claim or the facts constituting the cause of action and when it arose:-

The Disputant/Disputants prays/pray as under:-

.....
.....

In support of the above claim or relief sought I/we enclose documents and papers as per the list annexed hereto.

Signed
Disputant/Disputants.

I/We.....Disputant/Disputants declare that the facts stated above are true to the best of my/our knowledge and belief.

Date: (Signed) 1).....
2)..... Disputants.
3).....

Filed in the Office of.....
on.....20.....

- Note:-
- (1) In case there are more Disputants or Opponents their names, addresses, ages and occupations should also be mentioned.
 - (2) In disputes relating to monetary claims, the applicants should state the precise amount claimed but where this cannot be exactly ascertained the applicants shall state the approximate amount claimed.
 - (3) When a society is a disputant, a copy of the resolution of its committee or Board of Directors shall accompany the applications.
