



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment  
 भारत सरकार/Government of India  
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परिवाद संख्या **14028/1131/2023**

के मामले में —

श्री अजय कुमार सिंह,  
 क्यू संख्या 7ए, क्रॉस रोड संख्या 5,  
 जोन संख्या 9,  
 कालीमन्दिर के समाने, बिरसानगर,  
 जमशेदपुर – 831-19 (झारखण्ड),  
 इमेल – [ajaykumarsingh.pnb@gmail.com](mailto:ajaykumarsingh.pnb@gmail.com) ... परिवादी

बनाम

प्रबन्ध निदेशक/मुख्य कार्यकारी अधिकारी,  
 पंजाब नेशनल बैंक,  
 प्लॉट संख्या 4, सेक्टर 10, द्वारका,  
 दिल्ली – 110075,  
 इमेल – [md@pnb.co.in](mailto:md@pnb.co.in) ... प्रतिवादी

सुनवाई (I) —

इस मामले में एक सुनवाई दिनांक **20.09.2024** को ऑनलाइन वीडियो कॉन्फ्रेंसिंग के द्वारा की गई। निम्नलिखित पक्षकार / प्रतिनिधि सुनवाई के दौरान उपस्थित थे —

क्र.सं.	पक्षकार/प्रतिनिधियों के नाम	उपस्थिति का माध्यम
	परिवादी पक्ष से—	
1.	श्री अजय कुमार सिंह, परिवादी	ऑनलाइन

2.	आधिवक्ता ऋषभ शर्मा पारिवादी पक्ष से	ऑनलाइन
3.	अधिवक्ता मयंक भार्गव परिवादी पक्ष से	ऑनलाइन
<b>प्रतिवादी पक्ष से—</b>		
1.	श्री मुकेश कुमार सिन्हा, उप महाप्रबन्धक (मावन संसाधन विभाग) प्रतिवादी पक्ष से	ऑनलाइन

### कार्यवाही के अभिलेख

परिवादी पक्ष के विद्वान अधिवक्ता श्री मयंक भार्गव ने परिवादी के शिकायत को दोहराया और ऋण के संवितरण में हुए विलम्ब पर जोर देते हुए कहा कि गृह ऋण की स्वीकृति दिनांक 17.10.2022 को ही हो गई थी। संवितरण में हुए विलम्ब के कारण मकान रजिस्ट्री की दो तारीखें 23.11.2022 और 07.12.2022 विफल हो गईं और मकान मालिक ने 31.12.2022 तक भुगतान न करने पर समझौता रद्द करने की धमकी भी दी जिससे उसे शर्मिन्दगी और मानसिक पीड़ा हुई। परिवादी की सेवा निवृत्ति की तारीख 31.12.2023 थी। ऋण चुकाने की अवधि घटते जाने के कारण इएसआई की राशि बढ़ गई और वर्ष बदलने के कारण 01.01.2023 से मकान ऋण का कवर करने के लिए बीमा प्रीमियम की अधिक राशि दे कर बीमा करवाना था। भविष्य निधि से ली गई राशि पर ब्याज का भी नुकसान हुआ। प्रतिवादी बैंक द्वारा ऋण के संवितरण में हुए विलम्ब का कारण जानबूझ कर स्पष्ट नहीं किया है जो कि न्यायालय की सद्भावना पर बैंक की ओर से दुर्भावनापूर्ण प्रयास है।

2. प्रतिवादी पक्ष से उपस्थित प्रतिनिधि ने कहा कि परिवादी ने मरम्मत और नवीनीकरण तथा साज-सज्जा के लिए जो 15.00 लाख रुपये का आवास ऋण लिया था वह फाइल उपलब्ध है। वर्तमान मुद्दे की फाइल इस समय उपलब्ध नहीं है इसलिए उन्हें समय चाहिए। तथापि प्रतिनिधि ने यह भी कहा कि बैंक में ऋण का संवितरण ऋण स्वीकृति के शर्तों के अनुपालन के आधार पर ही होता है। यदि कहीं शर्तों को अनुपालन शेष है तो ऋण का संवितरण नहीं किया जाता है।

3. दोनों पक्षों को सुनने के पश्चात न्यायालय ने कहा कि ऋण की स्वीकृति एक बात है और ऋण का संवितरण एक अलग बात है। सक्षम अधिकारी द्वारा एक बार जब ऋण की स्वीकृति हो जाती है, उसके बाद आमतौर पर ऋण का संवितरण पाँच से सात दिनों के

भांतर कर दिया जाता है। किंसां-किंसां मामले में तां ऋण का सावेतरण एक से दो दिन में हां हो जाता है। वर्तमान मामले में प्रतिवादी द्वारा प्रस्तुत उत्तर संतोषजनक नहीं है और विलम्ब का कारण भी अस्पष्ट है।

4. अतः न्यायालय द्वारा प्रतिवादी को यह सुझाव दिया गया कि वे निम्नलिखित सूचना/पत्रावली इस कार्यवाही के अभिलेख के प्राप्त होने के एक सप्ताह के भीतर इस न्यायालय एवं परिवादी को उपलब्ध कराएँ और परिवादी उस पर अपनी टिप्पणी/प्रत्युत्तर एक सप्ताह के भीतर इस न्यायालय और प्रतिवादी को भेजे —

(क) परिवादी द्वारा कथित गृह ऋण की फाइल और नोटिंग की प्रति उस तिथि से जब परिवादी ने उक्त ऋण के लिए प्रतिवादी को आवेदन किया था और परिवादी को ऋण संवितरित किए जाने की तिथि तक; और

(ख) श्री सुशील कुमार रजक, वरिष्ठ प्रबन्धक, पंजाब नेशनल बैंक, आदित्यपुर, जमशेदपुर के कार्यकाल में श्री सुशील कुमार रजक द्वारा पंजाब नेशनल बैंक के अधिकारियों और/अथवा कर्मचारियों को स्वीकृत, अस्वीकृत और संवितरित ऋणों का तिथिवार साक्ष्य समेत विवरण।

5. इसे मुख्य आयुक्त के अनुमोदन से जारी किया जाता है।

**Digitally signed by  
Praveen Prakash Ambashta  
Date: 30-09-2024 11:25:25**

(प्रवीण प्रकाश अम्बष्ठ)  
उप मुख्य आयुक्त



**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
Department of Empowerment of Persons with Disabilities (Divyangjan)  
Ministry of Social Justice and Empowerment  
Government of India

Case No. CCPD/15535/1132/24

Dated: 02/09/2024

**Case No. 15535/1132/2024**

**In the matter of —**

**Suo-motu**

**Versus**

(1) The Chairman-cum-Managing Director,  
National Divyangjan Finance & Development Corporation,  
Unit No. 11 & 12, Ground Floor,  
DLF Prime Tower, Okhla Phase-I,  
Near Tehkhand Village,  
New Delhi – 110020  
Email: [nhfdc97@gmail.com](mailto:nhfdc97@gmail.com) ... Respondent No.1

(2 to 44) The Channelizing Agencies,  
All States & Union Territories  
(As per Appendix) ... Respondent No. 02 to 44

**Hearing (I):**

A hearing was conducted on **09.08.2024** in hybrid mode (offline/online through video conferencing). The name & designation of the parties/representatives who appeared during the hearing were as under:

Res. No.	Name of the Respondent	Name & Designation of the representatives appeared in the hearing
01	The Chairman-cum-Managing Director, National Divyangjan Finance & Development Corporation, New Delhi	Shri Naveen Shah, CMD
14	The Managing Director/Chief Executive Officer, Himachal Pradesh Minorities Finance & Development Corporation Limited, Shimla – 171 009,	Shri C.L. Sharma, Manager



सत्यमेव जयते

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Case No. CCPD/15535/1132/24

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Res. No.	Name of the Respondent	Name & Designation of the representatives appeared in the hearing
28	The Managing Director/Chief Executive Officer, Maharashtra State Handicapped Finance Development Corporation, Mumbai-400 051,	Ms Swapna Patil, General Manager
31	The Managing Director/Chief Executive Officer, Mizoram Rural Bank, Head Office, B-5, Babu Tilla, Zarkawt, Aizwal, Mizoram	Shri Zothana, Manager (Advances)
41	The Managing Director/Chief Executive Officer, Uttaranchal Bahuudeshiye Vitta Aivam Vikas Nigam, Dehradun – 248 001(Uttarakhand)	Dy General Manager
42	The Managing Director/Chief Executive Officer, West Bengal Women Development Undertaking, Kolkata-700091,	Shri Bipul Kumar Biswas, Joint Secretary & Secretary
44	Stree Nidhi Credit Co-operative Federation, 4th Floor, 401 & 402, My Home Sarovar Plaza, Hyderabad-500004 (Telangana)	Shri P. Ravi Kumar, Dy. General Manager

**RECORD OF PROCEEDINGS**



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At the outset, the Chief Commissioner for Persons with Disabilities [in short "CCPD"] informed the respondents that this is a quasi-judicial proceeding. The CCPD is an authority under the Rights of Persons with Disabilities Act, 2016 [in short "the Act"] with the powers of a civil court. He informed the respondents that he had been speaking to a lot of persons with disabilities and based on his interactions, he decided to take suo muto cognizance of several issues that is affecting the loan schemes of the National Divyang Financial Development Corporation (NDFDC).

2. The CCPD outlined these issues as under:

(i) There is no timeframe for approval and disbursal of the loan.

(ii) There is no system of first in first out.

(iii) There is no tracking mechanism by which it is monitored whether the beneficiaries are using the loans for the purpose for which it was sanctioned and whether their business is getting them the expected returns.

(iv) There is too much of paperwork even beyond the scheme guidelines and what has been prescribed by the cabinet note and the EFC note through which the NDFDC, now known as the NDFDC was approved,

(v) The applicants are being asked for unreasonable collaterals. He pointed out that one complainant from Himachal Pradesh informed him that for a loan of 4 lakhs, he had to pledge a collateral worth 6 lakhs. The CCPD wanted to know whether it will be feasible to make loans up to a certain amount or like the shishu loans, make small loans as collateral free.

(vii) The CCPD also wanted to know what is to be done for tracking of the progress of business, and whether the loanee requires mentorship or training.

(viii) The CCPD, then pointed out that for early repayment, a rebate of 1% is presently being given out of the NDFDC coffers. However, since the NDFDC keeps a margin of 4 to 5% and the state channelizing agencies (SCAs) are also keeping a margin of 5 to 6%, the loan for the Divyangjan does not remain cheaper, which was the vision behind the scheme. The CCPD asked the respondents to examine as to how the Financial Development Corporations working for other disadvantaged categories such as the SCs, the STs and the Backward Classes are able to manage their operations despite offering a cheaper rate of interests. The Court was of the view that if the rates are not brought down to a reasonable level then it will be constrained to undertake a complete review of the cash flow pattern of the



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SCAs/Banks. He also wanted to know whether the SCAs can also make similar concessions as being done by the NDFDC.

(ix) The Court was very concerned over the fact that the NDFDC scheme the application process has not yet been made fully computerized. He gave the example of the UDID card which have been fully computerized and said that since the last one year, the DEPWD has been telling everyone, to use the UDID database. It is a very simple and small API and anyone with the UDID number or the enrolment number and the date of birth of the divyang person can access the entire data of the UDID data base and use them for any legitimate purpose. Government and even private establishments have been using the data base to access the photo, disability type and disability percent of the Divyang persons. He was also of the view that use of UDI database can actually help in arresting the trend of use of fake disability certificates. This is a serious matter as the money is going from the public exchequer. If the UDID is not being relied upon for loans sanctioned after April 2023 when the UDID became mandatory, then it is actually the violation of DePWD instructions. Those accounts which are about to finish their repayment in next 6 months or so can be left alone, but those with a longer remaining tenure or for the new applications, the UDID database is required to be used. The CCPD further advised that preferably there should be a central portal on which the applicants should be able to submit their applications with minimal documentations. Right now any bank manager or any government authority is asking for any document which is making the entire process lengthy and cumbersome.

3. At this stage, the CCPD asked the SCAs to make their submissions one by one.

**3.1 West Bengal:**

The representative of the West Bengal submitted that their authority is no longer the SCA for the NDFDC loans since 2018-19 as they are not sponsoring the loans. The CCPD asked whether they are running any state government scheme, in lieu of the NDFDC to which the representative answered that a state scheme is presently under finalization, but is not yet operational. The CCPD observed that this is a very serious matter because the Divyangjan from an entire state are deprived of a central scheme without any alternative being provided to them.

**3.2 Telangana:**

The representative from the Telangana submitted that their financing scheme is limited to the SHGs. He also submitted that in their state they are not taking any collateral for loans up to 5 lakhs. Loans up to an amount of 40 Lakhs is being sanctioned within 48 hours and loans beyond that amount also is being sanctioned within 10 days. The representative also said that they are monitoring the utilization by taking real time photographs and uploading them on their system. He also submitted that as of now the UDID database is not



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being used.

4. The Chief Commissioner sought to know as to why they are not able to use the database of the UDID. In response to that, the representative of the Telangana submitted that they would soon resolve this pending issues and start using the database. In response to a query from the CCPD as to how many applications were pending for the last three months or more, the representative answered that there were no such pending applications. In response to another query on the total number of applications received in the last one year, the Telangana representative said that the number would be more than thousand but he would get back with the exact data. The CCPD further asked whether this data was only for Divyangjan or it covers the other categories as well. Answering to the query, the representative said that the data includes all the categories, including this SCs, the STs and the OBCs.

5. The CCPD asked the CMD NDFDC, as to why Telangana is not able to use the UDI database. The CMD NDFDC submitted that they have been requesting the state of Telangana to organize a camp for uploading UDID database, but the same has not yet been done. The CCPD observed that as on date, the format for disability certificate is to be decided by the central government, so any format other than UDID is not legally valid, particularly after April 2023, when the UDI card became mandatory.

6. The Court directed the respondent that before the next hearings, all state agencies should start using UDID database. The NDFDC would obtain reports from each state in the following format and submit a compiled report within the next 30 days:

- i. The date when the loan was sanctioned
- ii. The amount of the loan
- iii. Whether a collateral was pledged
- iv. If yes, the value of the collateral
- v. Principal Amount repaid by the applicant
- vi. Whether there is any mechanism for tracking the use of loan
- vii. Whether the beneficiary is benefiting from the loan
- viii. Does he or she need mentorship or training
- ix. Whether any mentorship or training has been provided





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x. The UDID number

7. The CCPD cautioned the respondents that in case a loan is sanctioned after April 2023, and the UDID number of the applicant is not available then the Court would be constrained to fix accountability on the officers and impose fines on them as per the Act and the officials would be made accountable.

8. This is issued with the approval of the CCPD.

**Yours faithfully,**

**(Praveen Prakash Ambashta)**  
**Dy. Chief Commissioner**

**Office of Chief Commissioner for Persons with Disabilities(Divyangjan)**  
**5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075**  
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