IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(C) No.4228 of 2021

Saira Begum, wife of Mohammad Khurshid Alam, resident of Flat No. 101 A, Nisar Residency, near Sunshine Academy, Manitola Masjid Road, Doranda, PO and PS Doranda, District Ranchi, Jharkhand

… Petitioner(s).

Versus

1. The Chief Manager, Office situated at SBI retail Assets Centralized Processing Cell, Branch Code-10022, Ranchi Main Branch Building, 2nd Floor, near Court Compound Ranchi, PO GPO Ranchi, PS Kotwali, District Ranchi, Jharkhand

2.The Assistant General Manager, Office situated at SBI retail Assets Centralized Processing Cell, Branch Code-10022, Ranchi Main Branch Building, 2nd Floor, near Court Compound Ranchi, PO GPO Ranchi, PS Kotwali, District Ranchi, Jharkhand

3.The Branch Manager, State Bank of India, Industrial Estate, Ranchi, at Kokar, PO Kokar, PS Sadar, District Ranchi, Jharkhand

… Respondents.

PRESENT

SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Binod Singh, Advocate

For the Respondents : Mr. P.A.S. Pati, Advocate

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O R D E R

Reserved on : 25th August 2026 Pronounced on : 28th August 2026

The petitioner in this writ petition has prayed to quash the communication vide Letter No. AGM/RACPC/20-21/A-1168 dated 17.02.2020 issued by the respondent-State Bank of India whereby her claim for home loan subsidy has been rejected holding that the petitioner is not eligible for the subsidy under the Pradhan Mantri Awas Yojna (PMAY) scheme. Further prayer has been made to release the amount of subsidy as per the PMAY scheme after setting aside the letter dated 17.02.2020.

2. It is the case of the petitioner that she applied for home loan with the State Bank of India on 20.05.2015 along with her husband who is an employee in Central Industrial Security Force. The loan was sanctioned and the first installment of Rs. 2,40,000/-

was credited in her own home loan account on 08.07.2015. It is her grievance that the subsidy which she is entitled to under the PMAY scheme 2015 was not extended to her. The scheme came into effect from 17.06.2015 and has remained in force till 31.03.2022. The scheme was for the persons like that of the petitioner who had taken loan for the purpose of construction of house or for purchasing a house in the urban area who are not having their own house. As the State Bank of India did not extend the benefit of subsidy to the petitioner and refused the same by impugned letter holding that the petitioner is not covered by the said scheme, the petitioner had to rush to this Court challenging the same and for claiming the subsidy.

3. Learned counsel for the petitioner submits that admittedly the petitioner has got no house or flat in Ranchi and thus, is entitled to get the benefits of the PMAY scheme of 2015. He submits that the entire amount of home loan was credited on 04.10.2019 which is within the period of the scheme and thus, the benefit of the scheme should have been extended. As per the petitioner the power of attorney which was executed by the petitioner and her husband is dated 24.06.2015 and the home loan was sanctioned on or after 27.06.2015 which enables the petitioner to get the benefit of the said scheme as the scheme came into effect on 17.06.2015 and remained effective till 31.03.2022. The sale deed dated 10.04.2019 suggests that the petitioner is entitled for the benefit of the scheme. It is her case that on this background the respondents could not have rejected the claim of the petitioner.

4. Learned counsel appearing on behalf of the Bank submitted that the petitioner is not entitled for the benefit of the said scheme and submitted that the loan facility was sanctioned in favour of the petitioner on 05.06.2015 and the cut-off date as enshrined in the PMAY scheme to avail the benefit is w.e.f. 17.06.2015 and since the loan of the petitioner was sanctioned much before the prescribed period of the scheme, the petitioner is not entitled for any benefit.

5. In this case after going through the record, I find that the petitioner had applied for the home loan on 20.05.2015 and the loan of the petitioner was sanctioned on 05.06.2015, which is evident from Annexure 'A' to the counter affidavit, which is the Sanction Letter issued by the Bank informing the petitioner that the loan has been sanctioned in favour of the petitioner. The first installment was credited in the home loan account of the petitioner on 08.07.2015, which is clear from the Statement of Account, Annexure-4 to the writ petition. This statement of account also suggests that the home loan was opened on 08.06.2015 and the loan was sanctioned on 05.06.2015, which is also admitted by the respondents and is apparent from Annexure 'A' to the counter affidavit.

6. Annexure-3 is the document which suggests that the intimation of sanction was given on 27.06.2015. Further Annexure-4 is the account details of the home loan account which suggests that it was opened on 08.06.2015 which was sanctioned on 05.06.2015 which is also admitted by the respondents and is apparent from Annexure-A to the counter affidavit.

7. The petitioner is claiming benefit of subsidy under the PMAY scheme. This scheme came into force on and after 17.06.2015 i.e. after the petitioner made an application for home loan and after sanctioning of the loan of the petitioner. The fact that the first installment pursuant to the sanction of that loan was credited in the account of the petitioner is on 08.07.2015 i.e. after coming into force of the said scheme will not help the petitioner as admittedly the loan was applied and sanctioned prior to the said scheme came into force. Since the petitioner's application and sanction was prior to coming into force of the said scheme it cannot be said that the scheme can be extended to the petitioner beyond the starting point of the said scheme. To get the benefit of particular scheme the application should be within the lifetime of the said scheme provided if the scheme does not give any retrospective effect. In this entire case nothing has been brought to the notice of the Court to arrive at a conclusion that the scheme is extendable to any application retrospectively.

8. The fact that the scheme cannot be applied retrospectively is strengthened by the Circular dated 25.08.2016 (Annexure-B to the counter affidavit) of the State Bank of India. Clause 3 of the said Circular suggests that the benefit of the scheme shall be granted to the loan accounts which were sanctioned on and after 17.06.2015. The word used in the said Circular is “sanction” and not “disbursement”. In the banking parlance “sanction” and “disbursement” have a different meaning.

9. The circular clearly suggests that the benefit is to be granted to the persons whose loan has been sanctioned on or after 17.06.2015 and the word “disbursement” has not been used, which clearly suggests that no matter when the amount is disbursed, if the sanction is much prior to 17.06.2015, those loan accounts will not be covered under the PMAY scheme to get the benefit. In this case since admittedly the loan account of the petitioner was sanctioned on 05.06.2015 which is an undisputed fact. Thus, the petitioner cannot claim benefit of the said scheme. Thus, in my opinion, no relief can be granted to the petitioner in this case.

10. Accordingly, this writ petition is **dismissed**.

(ANANDA SEN, J.)

High Court of Jharkhand, Ranchi
Dated : 28th August 2026
Tanuj/
N.A.F.R

Uploaded on 28.08.2026