IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10979 OF 2017

1. Vikram s/o Shrirang Jawale,
   Age: 43years, Occ: Agril.,
   R/o. Hadongri, Tq. Bhoom,
   Dist. Osmanabad.

2. Annasaheb s/o Baburao Talekar,
   Age: 44 years, Occ: Service,
   R/o. Hadongri, Tq. Bhoom,
   Dist. Osmanabad.

3. Laxman s/o Bhagwan Daingade,
   Age: 45 years, Occ: Agril.,
   R/o. Hadongri, Tq. Bhoom,
   Dist. Osmanabad. ..PETITIONERS

VERSUS

1. The State of Maharashtra,
   Through the Secretary,
   Agricultural Department,
   Mantralaya, Mumbai-32

2. The Agricultural Commissioner,
   Pune, Tq. & Dist. Pune.

3. Tata AIG,
   General Insurance Company,
   Through its General Manager,
   A-15, Wamala, G.K. Road,
   Lower Parel, Mumbai 400013.

4. The State Bank of Hyderabad
   (now merged into State Banker's of
   India) Through its Branch Manager
   Paranda Road, Bhoom, Tq. Bhoom
   Dist. Osmanabad.

5. The Agricultural Officer,
Agricultural offdice,
Bhoom, Tq. Bhoom,
Dist. Osmanabad. ..RESPONDENTS

Mr D.A. Mane, Advocate for petitioners;
Mr S.S. Dande, A.G.P. for respondent Nos.1,2 & 5;
Mr S.S. Patil, Advocate for respondent No.3;
Mr Ruturaj Patil, Advocate for respondent No.4;

CORAM : PRASANNA B. VARALE &
RAVINDRA V. GHUGE,JJ.

DATE : 11th SEPTEMBER, 2018

ORAL ORDER :

Heard learned Counsel appearing for the petitioners.

2. Learned Counsel appearing for the petitioners submitted that the State Government framed a policy thereby to provide financial assistance to the farmers so as to take care of the farmers who have suffered loss due to national calamity. It is submitted that as per per-requisites of the scheme, the petitioners have deposited amount of premium with the bank and were expecting compensation under the scheme of the State Government. He submits that the petitioner

raised grievance of non action of respondent Nos. 3 and 4, as such, prays for directions to respondent Nos. 3 and 4 to pay amount of crop insurance/compensation as per policy framed by the State Government and rules to that effect in the policy of the year 2014-15.

3. Learned Counsel appearing for the petitioners by inviting our attention to the judgment of this Court in Public Interest Litigation No.113 of 2016 submitted that the Division Bench of this Court in its detailed judgment took into consideration the nature of the scheme, requisites of the scheme, implementation of the scheme, agencies who have taken responsibility to implement the scheme, hurdles raised by the agencies and technical objections also raised by the respondents and in detailed and comprehensive judgment, the Division Bench of this Court directed respondent Nos. 4 and 5 to grant compensation to the petitioners in particular and farmers in general who are beneficiaries of the scheme.

4. Our attention was invited to paragraph Nos. 4, 5, 6, 7, 8, 9, 12 and 13 of the above referred judgment of the Division Bench. It would be useful for our purpose to refer paragraph-13. A question is framed by the Division Bench for consideration and same reads thus, 'whether a case for direction is made out whereby respondent No. 3, or respondent Nos. 4 and 5 are liable to pay the amount of compensation?'.

5. Learned Counsel appearing for the petitioners submits that stock of the situation was taken by the Division Bench in paragraphs-15 and 16, same read thus :

> “15. It is, no doubt, true that the insurance scheme is implemented since 1999 viz., before the above judgment came to be delivered. However, it is required to be noted that the Division Bench of this Court has shown its sensitivity to the issue brought before it and has directed the State Government to take

> remedial measures, which perhaps, has prompted the respondents to implement the scheme effectively. The Division Bench of this Court in paragraph 21.3(b) has suggested package for subsidy on crop insurance premium amongst various measures to be adopted.
>
> 16. So far as the case in hand is concerned, it is not disputed by respondent Nos. 4 and 5-bank that it has received premium from the agriculturists within cut-off date, however, same was not deposited with respondent No.2-AIC, as there was shortage of staff and because of communication gap."

6. Respondent Nos.4 and 5 in their reply filed before this Court clearly admitted about receipt of premium before cut-off date by the farmers and it was non action of either insurance company or bank. The Division Bench of this Court expressed its displeasure for non action of respondent Nos. 4 and 5 and course adopted by the respondents by indulging in playing game in throwing the responsibility of each other. The

Division Bench in clear words observed that the farmers who were beneficiaries were not at fault and they have deposited premium amount before cut-off date. Ultimately, the Division Bench issued directions which form the part of paragraphs-23, 24, and 25 and with these directions, public interest litigation was allowed.

7. Ruturaj Patil, learned Counsel appearing for respondent No. 4 State Bank of Hyderabad fairly admits the fact situation that the petitioner have deposited the amount of premium before cut-off within prescribed time. Admitted position which emerges from the perusal of the record and from the submissions of learned Counsel is, the petitioners though deposited amount of premium with the bank, the bank in turn, ought to have deposited it with the insurance company i.e. respondent No. 3 but bank i.e. respondent No. 4 failed to deposit the said amount with respondent No. 3.

8. Now, considering this fact situation,

there is no reason for us to take any different view than the view taken by the Division Bench in its judgment dated 7th August, 2017.

9. Accordingly, we allow the petition with direction to respondent No. 4 to pay the amount of crop insurance/compensation as per rules for the year 2014-2015 with interest @14% p.a. from the date, amount shall be due and payable as per NAIS, till demand drafts are drawn and paid in favour of the petitioners.

10. We direct respondent No.3 to submit assessment to respondent No.4 bank. Respondent No. 4 bank to submit documents to respondent No.3 if they are readily available with respondent No. 4 within two weeks. If respondent No.4 is in need of certain documents and those documents are not available with respondent No.4, in that case, respondent No. 4 may call upon the petitioners to provide such documents by written communication. The petitioners on receipt of such communication,

to supply the documents within two weeks from the receipt of the communication from respondent No. 4 bank. This exercise of collecting documents and submitting it to respondent No.3 be undertaken by respondent No.4 bank within six weeks from the date of this order.

11. With these directions, the petition is disposed of.

(RAVINDRA V. GHUGE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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