

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3381 of 2021

Dipak Kumar Singh Banafar S/o Late Birbal Singh Banafar Aged About 41 Years R/o Village- Jhirnapondi, Tahsil- Marwahi, District- Gaurela- Pendra- Marwahi, Chhattisgarh

---- **Petitioner**

Versus

1. The Collector Gaurela- Pendra- Marwahi, District- - Gaurela- Pendra- Marwahi, Chhattisgarh.
2. Agriculture Insurance Co. Of India Ltd. Raipur, Through Its Manager, Address- Jivan Prakash, Jivan Bima, Marg, Pandary , Raipur, Tahsil And District- Raipur, Chhattisgarh.
3. Aadim Jati Sewa Sahkari Samiti Maryadit Through Its Manager, Tahsil- Marwahi, District- Gaurela- Pendra- Marwahi, Chhattisgarh. ---- **Respondents**

For Petitioner	:	Mr. Badruddin Khan, Advocate
For Respondent/ State	:	Mr. Anmol Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/10/2021

Heard.

1. The claim of the petitioner in the present petition is that the petitioner is covered as beneficiary under the *Pradhan Mantri Fasal Beema Yojna*. Learned counsel for the petitioner submits that in the year 2019, due to shortfall in the rain, the father of the petitioner could not get the adequate crop which was insured and since the crop was insured, therefore he would be entitled to get the benefit of *Pradhan Mantri Fasal Beema Yojna* to be compensated. It is stated that this is the second round of litigation. On the earlier round of litigation, this Court, in WPC No. 2311/2020 in the case of Birbal Singh Banafar (who is father of the petitioner) on 08.10.2020, had directed to file a representation before the concerned Collector which was further directed to be decided. Subsequently, on the representation having been filed, the same was dismissed on the ground that father of the petitioner has procured more than the threshold limit of the crop meaning thereby the crop procured was more

than the minimum limit of capacity earmarked to get the benefit of insurance. Thereby would be disentitled to get the benefit under the *Pradhan Mantri Fasal Beema Yojna*. He further submits that the said order is bad in law, inasmuch as the petitioner along with other is entitled to get the benefit for the reason that they have only procured the minimum threshold limit of 1664 kg. of crop per hectare at village Jhirnapondi.

2. The perusal of order dated 09.12.2020 would show that there is a factual dispute which has come up. *Prima facie* in the case of Birbal Singh Banafar (who is father of the petitioner), the procurement was 2223 kg. crop per hectare at village Jhirnapondi. Therefore, since the yield was said to be more than the minimum threshold crop limit, the claim of father of the petitioner was dismissed. In any case, the disputed question of facts are required to be decided. At one hand, according to the petitioner, father of the petitioner procured only the minimum threshold limit whereas the Government has come up by dismissing father of petitioner's application claiming that the crop procurement at village were more than the threshold crop limit. These factual aspects are required to be substantiated by the ancillary evidence. As per the State Government, like nature of grievances can be redressed by the District Level Grievance Redressal Committee as per the notification dated 16.06.2020. Therefore, since the disputed question are required to be settled and already the forum has been created by the State, the petitioner can approach the District Level Grievance Redressal Committee along with all the relevant documents within a period of 45 days. In such case, if such application is filed, it would be decided in accordance with the facts which are available on record.
3. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge