

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11322 of 2014

Nityanand Panigrahi, Balasore

Petitioner
....
Mr. P.C. Jena, Advocate

-versus-

State of Odisha and Others

Opposite Parties
...

Mr. Ishwar Mohanty, Addl. Govt. Advocate
Mr. S.S. Rao, Advocate (OP No.8)

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
25.08.2022**

28. 1. The prayer in the present petition is for the farmers in Balarampur Grama Panchayat (GP) in Balasore District to be given benefit of crop insurance scheme vis-à-vis the loss of crops in the Khariff Season, 2013 in terms of the prevailing Government guidelines.
2. In response to the petition, two separate counter affidavits have been filed, one on behalf of the Deputy Director (P & S) DPMU, Balasore and the other by the Agricultural Insurance Company of India Ltd. (Opposite Party No.8). In the counter affidavit of Opposite Party No.8 it is specifically stated in para 11 as under:

“11. That it is respectfully submitted that during the year in question, particular case, as per the scheme provision, for MNAIS Kharif 2013 season the Actual Yield for Paddy crop for Balarampur GP of Baliapal Block of Balasore District was reported as 3745 Kg/ha whereas the threshold

Yield was 1300 Kg/ha for the GP. Since the actual yield was more than the threshold yield, therefore no shortfall in yield. Hence no claim was paid for the GP under MNAIS Kharif 2013 season for paddy crop. The statement based on record showing the Yield Data as prepared is annexed herewith as Annexure-B/8 for ready reference.”

3. Two rejoinder affidavits have been filed by the Petitioner to the above counter affidavit. In neither of the rejoinder affidavits has the Petitioner been contradict the factual position as depicted in para 11 above, viz., that the actual yield was 3745 Kg/ha whereas the threshold yield was 1300 Kg/ha for the same GP. That being the position, there was in fact no shortfall in the yield.

4. Learned counsel for the Petitioner sought to question the correctness of the above factual detail by stating that the Revenue Inspector’s report acknowledged crop loss.

5. It is seen that the above averment in para 11 of the counter affidavit filed by Opposite Party No.8 is based on the “record showing the yield data as prepared” and a copy thereof has also been enclosed with Annexure-B/8.

6. Since there is no contradictions of the above averments by the Petitioner in the two rejoinder affidavits filed, the Court is inclined to accept what is stated in para 11 of the counter affidavit of Opposite Party No.8 to be correct factual position.

7. Learned counsel for the Petitioner then stated that the Petitioner may be allowed to make a representation to the Opposite Parties for disbursal of crop insurance benefit. With the incidents being over 9 years old, no purpose would be served in permitting the

Petitioners to file a fresh representation at this stage. Since the factual basis has not been established, it is not possible for the Court to grant the relief as prayed for in the present petition.

8. The writ petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.

