

WPA 12904 of 2021

**Durgapada Ghosh & Ors.
Vs.
State of West Bengal & Ors.**

**Mr. Abhik Sarkar,
Mr. Barun Chatterjee.
... for the petitioners**

**Mr. Abhishek Banerjee,
Ms. Parna Roy Choudhury,
Ms. Shilpa Thapa.
... for the respondent
nos. 6 & 7**

Photocopy of the Electronic Receipt showing submission of Court fees which was deficit, is produced in Court on behalf of the petitioners and be kept with the record.

Petitioners are the farmers who are aggrieved by the inaction on the part of the respondent no. 4 not allowing them subsidies by way of refund of the insured sum of money as per the B.S.B. (Bangla Shasya Bima) Scheme promulgated by the Government of West Bengal.

Petitioners are the owners of Krishan credit card and thus ensured under the said scheme to the effect of getting subsidy by refund of money as insured with respondent no. 4.

Petitioners have suffered loss due to certain unavoidable reasons and thus were entitled to the benefit under the said scheme which provided for subsidy in the form of refund, in the event of loss suffered.

The petitioners applied before the respondent no. 4 and also other Monitoring Authorities as indicated in the scheme, for refund of the subsidy amount. However, petitioners are aggrieved that the respondent authorities have acted with gross negligence and inaction so far as their demand is concerned which they state that they are lawfully entitled to, under the aforesaid scheme. It is indicated that the written representation submitted by the petitioners have not been paid any heed to and thus they are deprived of their statutory rights.

Accordingly, by filing the present writ petition the petitioners have prayed for the relief inter alia, that the respondents be directed to allow/pay the subsidies applicable, by way of refund, in terms of the B.S.B. (Bangla Shasya Bima) scheme of Government and operational guidelines under the same.

Learned counsel appearing on behalf of the respondent nos. 6 & 7 submits that regarding the grievance of the petitioners in this writ petition, the said respondents have not very elaborate role to play excepting performing their duty of uploading details of accounts of the respective petitioners maintained with them, to the server of respondent no. 4.

He submits that respondent nos. 6 & 7 are restrained in discharging their such duty under the scheme due to the compelling reason of non-

availability and non-accessibility to the server of respondent no. 4.

None appears for any of the respondents.

Considering the facts and circumstances as transpires in this writ petition, it is found proper that the petitioners be directed to submit a comprehensive representation before the Chairman of the State Level Monitoring Committee (S.L.M.C.) that is, the Additional Chief Secretary, Agricultural Department, Government of West Bengal, who is respondent no. 2 in this writ petition.

Let such a comprehensive representation be filed by the petitioners within a period of one week from the date of this order.

Upon receipt of such representation from the present petitioners, the respondent no. 2 shall hold hearing, granting opportunity to all the concerned parties including the present petitioners and dispose of the said representation with the reasoned order. The entire exercise as above, shall be concluded within a period of four weeks from the date of receipt of such comprehensive representation submitted by the present petitioners.

It is made clear that if necessity of business so demands, respondent no. 2 shall undertake virtual mood for completion of the hearing within the specified time period.

The present writ petition is disposed of with the directions as above.

Let the parties immediately act on the server copy of this order.

(Rai Chattopadhyay, J.)