

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.5081 OF 2023
WITH CP/145/2023 IN WP/11240/2021

NATIONAL INSURANCE COMPANY LTD THROUGH ITS
AUTHORIZED SIGNATORY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Ajit B. Kadethankar
AGP for Respondent No.1: Mr. A.R. Kale.

WITH

CONTEMPT PETITION NO. 145 OF 2023
IN WRIT PETITION NO. 11240 OF 2021

CHANDRAKANT DATTATRAYA JADHAV AND ANOTHER
VERSUS

RAKESH SUTHWAL AUTHORIZED OFFICER OF NATIONAL
INSURANCE COMPANY LTD.

..

Mr. Ramraje A. Deshmukh, Advocate for applicant.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 26th APRIL, 2023

P.C.:-

Vide order dated 17th April, 2023, by recording lack of bonafides on the part of the applicant National Insurance Company, in the matter of compliance of the order of this court, about the deposit of the amount, permission was granted to the applicant Insurance Company to deposit the amount.

2. We have called upon the Collector, to submit his response in relation to conduct/default of the applicant National Insurance Company.

3. The policy as is reflected qua the claim to be attended under the Prime Minister Crop Insurance Scheme provides for levy of 12% interest on the delayed payment of such compensation.

4. In the case in hand, since 2017 till 2023, the amount claimed was not honoured and paid by the applicant insurance company. In this background, when confronted, the counsel for the applicant Insurance company on telephonic instructions informs that the applicant, so as to avoid the consequences of facing contempt and the criminal prosecution, if so directed for an offence of criminal breach of trust, shall pay interest @12% on the amount due and payable from the date, the same was due i.e. 3.11.2020, on which date the report of the committee as regards assessment of compensation was placed.

5. In view of aforesaid statement, we deem it appropriate to dispose of the application. Statement made by Mr. Kadethankar that the amount of interest shall be deposited with the Collector by 4th May, 2023, is accepted as an undertaking given to this court. We direct that the Collector shall accept the amount of interest and shall decide proportionate apportionment of the same. The collector shall disburse the amount of compensation with proportionate interest, as shall be deposited by the insurance company.

6. The contempt petition No. 145 of 2023, as such, stands disposed of in view of the aforesaid undertaking.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-