

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CWP-12828-2018 (O&M)
Date of decision: 24.07.2023

VIJAY SINGH BOORA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. G.S. Bhandal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.
for respondents No.1 and 2.

Mr. Vishal Aggarwal, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed for seeking issuance of directions to the respondents to make payment of the claim amounting to Rs. 1,31,100/- to the petitioner under the Pradhan Mantri Fasal Bima Yojana (PMFBY), as per the terms and notification dated 13.06.2017 (Annexure P-1) alongwith interest @ 18% p.a.

2. Written statement on behalf of the respondents had been filed through Special Secretary to Government of Haryana, Department of Agriculture and Farmers Welfare on 05.10.2018. It was specifically submitted that the petitioner had informed about crop losses on 05.07.2017 whereupon a loss assessment Committee inspected the damage crops and assessed the loss @ 90%. The petitioner, however,

again filed a complaint regarding further damage to his crop in the prescribed proforma on 21.07.2017. On receipt of the said complaint, the loss assessment Committee again visited and inspected the damaged crop and assessed and revised the losses suffered by the petitioner @ 100% vide report dated 30.08.2017. His claim was proposed @ 8,250/- per Acre. The loss assessment Committee specifically observed and endorsed vide report dated 30.08.2017 that the petitioner, after removing the Cotton crop, had again sown the maize crop in the said fields. The petitioner agreed to the said report and signed the same in token of its correctness. The respondent No.3-Insurance Company after completing the requisite formalities, paid the Insurance Claim amounting to Rs. 42837/- on 01.09.2018 to the petitioner for the crop losses under the Pradhan Mantri Fasal Bima Yojana (PMFBY). The contention of the petitioner as regards entitlement for claim of Rs. 1,30,100/- was denied as baseless and against the provisions of Operational Guidelines under the Yojna itself.

3. Even though the aforesaid written statement had been filed on 05.10.2018, however, no replication/rejoinder to the same has been filed. Hence, the aforesaid factual assertions have remain uncontroverted despite lapse of merely 05 years.

4. Learned counsel appearing on behalf of the petitioner submits that the assessment has not been correctly done and that he is entitled to higher compensation.

5. Be that as it may, since the factual assertions have remain uncontroverted for a period of more than 05 years and any such

challenge to the assessment made by the Loss Assessment Committee would give rise to disputed questions of fact, which cannot be gone into by this Court in exercise of its power of judicial review, the present petition is disposed of as having been rendered infructuous at this stage. Liberty is, however, granted to the petitioner to take recourse to the appropriate remedy available to him in accordance with law.

All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JULY 24, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No