

01.08.2024
Sl. No.4(DL)
srm

W.P.A. No. 2344 of 2024

**Punjab National Bank
(Erstwhile United Bank of India) & Anr.**

Versus

The State of West Bengal & Ors.

Mr. Abhishek Banerjee,
Ms. Parna Roy Choudhury
...for the Petitioners/Bank.

Mr. Udan Narayan Betal,
Mr. Abhik Sarkar,
Mr. Barun Chatterjee,
Mr. Mrighanka Patra
...for the Respondent Nos.8 to 93.

The prayers made in the writ petition cannot be allowed
by this Court.

The petitioners seek an opportunity to upload the data
with regard to the transmission of the premiums deducted
from the accounts of the farmers, to the National Insurance
Company Limited (NICL). The impugned order records that
the bank had deducted the premium and also transmitted the
same to the insurance company, but the insurance company
had not disbursed the crop compensation and subsidies, etc.
allegedly payable to the farmers, on the ground that the data
from the bank was not uploaded in due time.

The Principal Secretary, Department of Agriculture, Government of West Bengal directed the NICL and the bank authorities to settle the matter of refund of shares of premium paid by the petitioners with interest at the rate applicable, within one month from the date of receipt of this order.

The bank has challenged such order or direction on the following grounds:

(a) The bank had deducted the premium from the accounts of the farmers and paid the same to the insurance company, but the insurance company did not acknowledge such payment.

(b) For technical glitch, the data could not be uploaded. Such failure to upload the data at the correct time, should not be treated as a failure on the part of the bank to do the needful.

(c) The advise to the bank to settle the matter with the petitioners as per the banking norms and extend suitable compensation, was saddling the bank with a liability although such liability would be of the NICL.

As NICL is not before the Court, mandamus cannot be issued in this regard. However, the bank is directed to approach the NICL with the copy of the order impugned as also with a server copy of the order. Both the insurance

company and the bank are directed to chalk out a mechanism by which the data can be made available to the insurance company by the bank with regard to deduction of the premium and the insurance company, upon receipt of such data, shall take steps as directed in the order impugned writ petition. The bank will approach the insurance company within two weeks from date of communication of this order and the NICL shall chalk out the mechanism with the bank within two weeks thereafter, and act in terms of the direction of the Principal Secretary, Department of Agriculture. Payment shall be made to the farmers as per the said order within two weeks from the NICL receiving the data to be supplied by the bank.

The right of the farmers for refund have already been upheld by the Principal Secretary, Government of West Bengal, Department of Agriculture. The scheme also includes a crucial role by the state government.

Secondly, NICL cannot ignore the order passed by the Principle Secretary, Government of West Bengal, Department of Agriculture by remaining quiet and by not cooperating with the bank.

Thus, the direction made hereinabove should be complied with by the authorities and the farmers should not

suffer at the hands of non-compliant authorities. The incation of the bank and the NICL, cannot be encouraged. The Court cannot understand why the NICL could not rise to the occasion and abide by the order of the Principal Secretary, Department of Agriculture.

The farmers shall serve a copy of this order upon the Principal Secretary, Government of West Bengal, Department of Agriculture, Law & Vigilance Branch and NICL, so that the state authorities can monitor the compliance of this order by the bank and the NICL. The farmers cannot suffer on account of any mistake of the authorities. NICL has received the premium and they cannot indulge in unjust enrichment.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)