

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

MAT 846 of 2022

Kalyan Poi and Ors.

Vs.

The State of West Bengal and Ors.

For the appellants

: Mr. Uday Narayan Betal, Advocate
Mr. Abhik Sarkar, Advocate.

For the State

: Sk. Md. Galib,
Ld. Sr. Government Advocate
Mr. Gourav Das, Advocate

For the respondent bank

: Mr. Abhishek Banerjee, Advocate
Ms. Parna Roy Choudhury, Advocate

Heard & Judgment on

: August 20, 2024

DEBANGSU BASAK, J.:-

1. IA No.: CAN 2 of 2022 is an application seeking condonation of delay in making and filing the appeal.
2. Department records delay of 47 days.
3. Respondents are represented.
4. For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient.
5. Delay of 47 days in making and filing the appeal is condoned.
6. IA No.: CAN 2 of 2022 is allowed.
7. IA No.: CAN 1 of 2022 is an application seeking stay of the impugned order.
8. By consent of the parties, the appeal is taken up for final hearing.
9. Appeal is directed against an order dated February 25, 2022 passed in WPA 14895 of 2021 by which, the learned Single Judge directed the respondent no.4 in the writ petition to consider individual representations that may be made by the writ petitioners for disposal.
10. Learned Advocate appearing for the appellants submits that, the appellants are farmers. The appellants obtained crop insurance through bank. Events covered under the insurance policy occurred. When the appellants applied for compensation in terms of the insurance policy, the same was denied ostensibly on the ground that the bank did not pay the premium.
11. Learned Advocate appearing for the appellants submits that, default of the bank in paying the insurance premium to the insurance company cannot

be foisted upon the appellants. Appellants are covered under the insurance policy. Appellants discharged of their obligations under the insurance policy.

12. Learned Advocate appearing for the appellants submits that, the Single Bench in similar circumstances passed an order dated August 23, 2023 in WPA 12904 of 2021 requiring the Additional Chief Secretary, Agricultural Department, Government of West Bengal to consider and decide upon a representation that may be made by the individual policy holders. He submits that, acting in terms of the order dated August 23, 2023 passed in WPA 12904 of 2021, individual policy holders made such representation to the Principal Secretary, Agriculture Department, Government of West Bengal, by a reasoned order dated November 9, 2023 directed the insurance company and the bank authorities to settle the issue with the individual policy holders as per banking norms and extend suitable compensation to the affected party. He submits that, similar order be passed in the present appeal.
13. Since the Single Bench passed an order dated August 23, 2023 in WPA 12904 of 2021 and since Principal Secretary, Agriculture Department passed an order and since the appellants requests similar directions, it would be appropriate for us to permit the appellants or the individual policy holders to make representations to the Principal Secretary, Agriculture Department, Government of West Bengal, who is requested to

consider the same in light of the decision of the Principal Secretary,
Agriculture Department dated November 9, 2023.

14. **MAT 846 of 2022** along with all connected applications are disposed of
without any order as to costs.

(Debangsu Basak, J.)

15. I Agree.

(Md. Shabbar Rashidi, J.)

(AD)