

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1611 of 2019
In
Civil Writ Jurisdiction Case No.17404 of 2017

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Anil Kumar Singh Son of Late Bashisth Narayan Singh, R/o Village and Post
- Rulahi, P.S. Majhaulia, District - West Champaran, Bihar, The Present
Chairman of the Rulahi PACCS.

... .. Appellant.

Versus

1. The State of Bihar through General Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Department of Co-operative Societies, Government of Bihar, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Government of Bihar, New Secretariat, Patna, Bihar.
4. The District Magistrate, West Champaran at Bettiah.
5. The District Agriculture Officer, West Champaran at Bettiah, Bihar.
6. The District Co-operative Officer, West Champaran at Bettiah, Bihar.
7. The District Account Officer (Sahayog Samitiah), West Champaran, Bettiah, Bihar.
8. The Block Co-operative Officer, Majhaulia, West Champaran, Bihar.
9. The Chairman Cum Managing Director Agriculture Insurance Company of India Ltd. 13th Floor Amba Deep 14, Kasturba Gandhi Marg Cannaut Palace, New Delhi.
10. The Regional Manager, Agricultural Insurance Company of India Ltd. 1st Floor Unit Corporate, S.P. Verma Road, Patna, Bihar.
11. The Managing Director National Central Co-operative Bank Ltd. Head Officer Bettiah West Champaran, Bihar.
12. The Branch Manager, National Central Co-operative Bank Ltd. at Majhaulia Branch P.S. Majhaulia, District-West Champaran, Bihar.
13. The Union of India through Secretary of Agriculture Department and Co-operative, New Delhi-110001.

... .. Respondents.

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Appearance :

For the Appellant	: Mr. P.N. Shahi, Senior Advocate. Mr. Ramendra Kumar Bharti, Advocate. Mr. Amit Anand, Advocate. Mr. Pushkar Prashant, Advocate.
For the State	: Mr. Jitendra Kumar, AC to Ex-AAG-11.
For the UOI	: Mr. Deepak Kumar, Sr. CGC. Mr. Arvind Kumar, CGC. Mr. Lokesh, Advocate.
For Respondent Nos.9 & 10	: Mr. Rajen Sahay, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-08-2025

I.A. No.1 of 2020:

Heard.

2. There is a delay of about 53 days in filing the present L.P.A. No.1611 of 2019.

3. For the reasons stated in I.A. No.1 of 2020 read with the affidavit, delay of about 53 days in filing the present L.P.A. No.1611 of 2019 stands condoned and, accordingly, I.A. No.1 of 2020 stands allowed.

L.P.A. No.1611 of 2019:

4. The appellant has assailed the order of the learned Single Judge dated 04.09.2019 passed in C.W.J.C. No.17404 of 2017 and one connected matter.

5. The grievance of the appellant is that he is entitled to claim Crop Insurance. His Crop Insurance claim has been denied by virtue of internal decision of the Regional Manager, Agricultural Insurance Company of India Ltd. (10th respondent) and the Managing Director, National Central Co-operative Bank Ltd. (11th respondent) vide Annexure-11 to the writ petition and it reads as under:



“Agriculture Insurance Company of India Ltd.

REF:NA:RA-09-10:CLMS: 94 :2014

28th May, 2014

**The Managing Director,
The National Central Cooperative Bank Ltd.,
Head Office,
At/Post:-Bettiah,
Dist:-West Champaran**

Dear Sir,

NAIS-Rabi 2009-10 payment of claims-procedure to be followed by Bank

This refers to this office mail dtd.7.2.2014. You are kindly aware that as per Govt. Bihar, Cooperative Dept. advices, AIC has made investigation of coverage/proposal on random basis. Your Bank had also submitted coverage details/identified proposals during January, 2014. Now, as per the investigation report of AI submitted to Cooperative Dept., Govt of Bihar and also letter No.1160, dtd. 12.3.2011 No. 1331, dtd. 24.3.2014 and No. 1939, dtd.9.5.2014 of Cooperative Dept., Govt of Bihar we would request you to submit the following documents so that the admissible claims can be released in respect of the beneficiary farmers:-

(A)Pre-Claim Receipt

1. The Pre-claim receipt format (both in English & Hindi) is enclosed as per Annexure-A. The beneficiary farmer shall fill-in this form either in English or Hindi.
2. The pre-claim receipt, duly filled-in, (scanned copy only) has to be submitted to AIC, Patna on or before 11th of June, 2014. No pre-claim receipt shall be accepted after the said cut-off date(11.6.2014) and no claim amount will be released in respect of beneficiary farmer whose pre-claim receipt is no received by AIC within the said cut-off date(11.6.2014).
3. The hard copy of pre-claim receipt along with the proposal, land document etc. are to be retained at DCCB Head Office. After receipt of pre-claim receipt at AIC, officers of AIC may check the hard copy of pre-claim receipt and also the proposal forms, land documents, etc.
4. Only those farmers (list of which has already submitted by DCCB



to AIC) who are fulfilling all the requirements(item-1 to 12 of pre-claim receipt) need to submit the said format.

(B)Notified Area-wise Claims details:-

Sl No	Crop	Notified Area (Dist/Block)	No of Farmer	Area (inhec)	Sum Insured	Claim	Claim
1	Wheat	Chanpatia	489	905.50	30415745.00	21222926.55	6
2	Potato	West Champaran	2421	2361.55	277394238.00	207083150.14	7
3	Onion	West Champaran	1224	1443.50	117824211.00	30359063.24	2
		Grand Total	4134	4710.55	425634194.00	258665139.93	

(C)Notified Area-wise Branch/PACS wise Claim details

The scanned copy of pre-claim receipts has to be accompanied by the consolidated information in the following format(soft & hard copy).

Sl No	Crop	Notified Area (Dist/Block)	Name of Branch/ PACS	No. of Farmers	Area(inhec)	Sum Insured	Claim

(D)Repudiation of claims

(i)As the District Cooperative Officer, Bettiah has submitted a report indicating multiple coverage of same farmers by Parsa and Rulahi PACS under Potato and Onion crop, the said farmers' claims amounting to Rs.2,86,79,622.52 is hereby repudiated.

(ii)The National CCB sanctions limit only for Wheat crop under Rabi season, however, some PACS under their Majhaulia branch had insured some loanee farmers under Onion crop. As per the clarification sought by AIC, the National CCB, Bettiah HO vide their letter No.631/13-14, dtd.18.02.2014 had confirmed that the bank has not at all sanctioned loan amount during Rabi 2009-10 for finance against Onion crop. 564 loanee farmers have been covered by Bettiah CCB under onion crop. Hence, claims of onion crop amounting to Rs.32,80,791.42 is hereby repudiated. The DCCB has to bring all the above information to the notice of all the individual beneficiary farmers immediately by displaying the same at DCCB Head Office, Branches and PACSs.

With regards,
Yours faithfully,

(K.K.Mohapatra)
Regional Manager.”



6. The aforementioned decision of the 10th respondent is based on the District Audit Officer's report dated 06.12.2012. The aforementioned decision has been taken behind the back of the appellant whose right is affected. In other words, he should have been heard in the matter before accepting the District Audit Officer's report dated 06.12.2012. This has not been examined by the learned Single Judge.

7. Simultaneously, the District Audit Officer entertained certain applications and proceeded to draw report on 24.06.2014, which is contrary to his own report dated 06.12.2012. In this backdrop, the appellant has presented litigation in the year 2019. No doubt, there is a delay in approaching this Court. At the same time, he should not be denied the right to claim of the farmers, whose demand is relating to payment of Crop Insurance. At the best, they may not be entitled to interest on their claim. On these two issues, the learned Single Judge has committed error. Resultantly, appellant has made out a case so as to interfere with the order of the learned Single Judge dated 04.09.2019 passed in C.W.J.C. No.17404 of 2017 and one connected matter.

8. The appellant and similarly situated persons shall approach the District Audit Officer, West Champaran, Bettiah/



District Magistrate, West Champaran, Bettiah, in furnishing relevant documents so as to claim Crop Insurance in terms of their demand. After due examination of those documents, the District Audit Officer, West Champaran, Bettiah/ District Magistrate, West Champaran, Bettiah, is hereby directed to prepare a fresh report in detail considering the each of the claim of the farmers and then provide opportunity as to why 'X' or 'Y' is not entitled to claim Crop Insurance with reference to eligibility criteria to claim Crop Insurance. Thereafter, the District Audit Officer, West Champaran, Bettiah/ District Magistrate, West Champaran, Bettiah, is hereby directed to proceed further strictly, in accordance with law. Before exercising power to decide the subject issue District Magistrate may take decision as to who is the competent authority to decide the subject issue viz. Appellant and similarly situated person is entitled to claim Crop Insurance or not? The above exercise shall be completed within a period of six months from the date of receipt of this order. The appellant and the similarly situated persons are hereby directed to cooperate with the District Audit Officer, West Champaran, Bettiah/ District Magistrate, West Champaran, Bettiah, insofar as furnishing relevant documents for the purpose of claiming Crop Insurance.



9. With the above observation(s), the present L.P.A.
No.1611 of 2019 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2025.
Transmission Date	NA

