IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 3299 OF 2019

Ramesh Ramchandra Patil And Another
VERSUS
The State Of Maharashtra And Others
...
Mr. Paresh B. Patil, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondent-State.
Mr. Dhananjay P. Deshpande, Advocate for Respondent No.6.

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 23rd OCTOBER 2026.

PC :-

1. Heard the learned Advocates for the respective parties.

2. The petitioners are Agriculturists who have approached this Court seeking directions to Respondents No.8/General Manager, Oriental Insurance Company, to pay to the petitioners compensation towards loss of yield in the season of 2017-18 from village Kolpimpri, Shivar Tal. Parola Dist. Jalgaon which falls in the Revenue Circle of Shelave (B.K.).

3. Their grievance is that they had taken a part in Insurance Scheme by paying a premium under the scheme named as *"Pradhan Mantri Fasal Bima Yojana"*. It is a specific contention of the petitioners

that they were beneficiaries under the said policy. For the season 2017-18, there was no sufficient yield in their agricultural fields which was lesser than 50% of the threshold yield for that year. It is therefore contended that they were eligible to receive compensation from the Insurance Company.

4. It is the case of the Respondent/Insurance Company that as per the scheme, there has to be less than threshold yield. The threshold is determined on the basis of yield figures for last seven seasons. The formula to decide the threshold yield is as under:

> **"11. Illustration**
> In table below, assumed yield of wheat for the last 7 years is given for insurance unit area of "X". Calculation of TY for Rabi 2014-15 season is as under.

Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Yield (Kg/ha)	4500	3750	2000	4250	1800	4300	1750

> The years of 2010-11, 2012-13 and 2014-15 were declared natural calamity years.
>
> Total of yields of seven years is 22350 kg/ha and that of two worst calamity years is 3550 kg/ha i.e. (1800+1750). Therefore according to the provision, average of past seven years excluding maximum two calamity years will be (22350-3550-18800/5) i.e. 3760 kg/ha. Hence, threshold yield at 90%, 80% and 70% of indemnity levels will be 3384 kg/ha, 3008 kg/ha and 2632 kg/ha respectively."

5. The Government has also provided specific data at page No.104 of Revenue Circle of Shelave. It is shows that the threshold yield was 711 kg per hectore. However, in Shelave Circle for that season, the average yield was 720.70 k.g. per hectore. Considering above, the claims of the petitioners were not entertained. The petitioners are therefore before this Court.

6. Learned Advocate Mr. Patil appearing for the petitioner, vehemently argued the petition. He submits that in the adjoining circle, the agriculturists are benefited under the scheme. He submits that, in Parola Taluka, there were total 48 villages where the threshold yield was shown to be less than 50%, including the village of the petitioners, still the petitioners are not granted the benefit of the scheme. He invited attention to the representations given by the petitioners to the authorities concerned. He also pointed out the certificate issued by the Gram Panchayat showing that there is no sufficient yield and it is less than the threshold. He submits that inspite of this material, the respondents have not paid the compensation. He thus submits that the petition deserves to be allowed.

7. Learned Advocate for the petitioner in support of his submissions, relied upon the judgment in the case of ***Rajesh Ankushrao Tope Vs. The Union of India and Ors.***[1].

8. Learned Advocate Mr. Deshpande appearing for Respondent/ Insurance Company, vehemently opposed the petition. He submits that the Insurance Company is bound by the scheme and the terms of the scheme. He has shown how the threshold yield is calculated as per the scheme. He further submits that the threshold yield of the entire revenue circle is required to be considered and it is not to be considered in each individual farmers case. He thus submits that when it is found that the yield in revenue circle Shelave was higher than the average threshold yield, there was no question of giving benefit under the scheme.

9. Mr. Lakhotiya, learned AGP for the Respondent/State also vehemently opposed the petition. He pointed out from his affidavit as to how the average yield is calculated. He submits that the authorities have to go by the report prepared by the Agriculture Commissioner and it is only thereafter benefits are given. In the present case, he submits that it is not found that, in revenue circle Shelave, there was less yield than the threshold yield, and therefore benefits cannot be given to the

1 PIL/94/2019 dated 11/02/2020 (Aurangabad)

Agriculturists from Shelave circle.

10. So far as judgment in the case of *Rajesh Tope* (supra) this Court finds that the said case does not have any application in the present case.

11. The petitioners are claiming benefits under the scheme framed by the Government vide Government Resolution dated 20/06/2017. The said scheme provides for charging of premium, payment of compensation, method of calculation, factors to be considered for crop failure and the manner in which those factors are to be considered. It provides a machinery for assessing the yield. Every season is independently assessed considering the yield of the year and the authorities are prescribed to make the assessment. The scheme is a complete code in itself. Once the petitioner claim benefits under the said scheme, it is the manner and mechanism provided in the scheme that would be binding upon the petitioners. While assessing the yield, it is specifically mentioned in clause (19) that the assessment based on the average yield for a particular circle made by the Agricultural Department would be considered. Paragraph No.19 of the scheme reads as under:

> “१९. या योजनेअंतर्गत नुकसान भरपाई निश्चित करताना गैरसेवारी, दुष्काळ, टंचाई परिस्थिती आणि पुरामुळे झालेला नुकसानी संदर्भात कोणतीही शासकीय विभाग/संस्थेमार्फत घोषित केलेली आकडेवारी ग्राह्य धरण्यात येऊ नये. यासाठी कृषि

आयुक्तालयामार्फत सादर करण्यात आलेला राज्य शासनाच्या पीक उत्पादनाच्या अंदाजासाठी घेण्यात येणाऱ्या पीक सर्वेक्षण अंदाजाच्या पीक कापणी प्रयोगावर आधारित सरासरी उत्पन्नाची आकडेवारी ग्राह्य धरण्यात यावी."

. Looking to the clause 19, it is clearly seen that the the assessment is to be made by the authority and said would be considered and no deviation therefore can be made.

12. In the present case, it is not shown that the assessment done of Shelave Circle was not properly done. No arbitrariness is shown in the implementation of the scheme. There is also nothing to show that the petitioners are discriminated against others. It is shown that while threshold yield was 711 kg per hectore in Shelave Circle for season 2017-18, the average yield recorded was 720.70 kg per hectore. Considering the terms of the scheme, this Court finds that this Court has very limited scope to go into the disputed question of facts.

13. We do not find any illegality committed by the Authorities and the Insurance Company in refusing the claim of the petitioners. There is no merit in the petition. The petition, therefore, stands dismissed.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**

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