

APHC010140852023

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

(Special Original Jurisdiction)



TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR

CHINTALAPUDI

WP NO: 7194 OF 2023

Between:

1. SBI General Insurance Company Ltd., Corporate and Registered Office, Fulcrum. Building, 9th Floor, A and B Wing, Sahar Road, Andheri (East), Mumbai 400 099 Rep. by its authorised signatory Mr. Amit Kumar Sharma
2. Mr. Amit Kumar Sharma, S/o Madhusudhan Sharma, Aged about 44 years, C/o SBI General Insurance Company Ltd. Surya Complex, Shop No. 40-1-21/3, First Floor, Vijayawada Rd, Near Khandari Hotel, Sidhartha Nagar, Labbipet, Vijayawada, Andhra Pradesh - 520010.

...Petitioner

AND

1. The State of Andhra Pradesh, Agriculture and Co-operation Department, Secretariat, Velagapudi, Amravathi, Andhra Pradesh Represented by its Principal Secretary.
2. The Commissioner of Agriculture, Department of Agriculture, Government of Andhra Pradesh O/o Commissioner and Director of Agriculture Old Mirchiyard, Nallapaadu Road, Chuttugunta, Guntur - 522004
3. Union of India, Ministry of Agriculture and Farmers' Welfare, Krishi Bhawan, New Delhi Rep. by its Secretary

4. The Chief Executive Officer, Pradhan Mantri Fasal Bima Yojana Ministry of Agriculture and Farmers' Welfare Department of Agriculture, Cooperation and Farmers Welfare Krishi Bhawan, New Delhi
5. The District Co-operative Central Bank Ltd., Kakinada No. 2351, P.B.No.38, Nagamallithota, Kakinada-533003, Kakinada District Rep. by its Chief Executive Officer

...Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, one more particularly in the nature of a writ of Mandamus

a. declaring the actions of the Respondents more particularly Respondent No. 1 and 3 in not remitting their share of insurance premium to the tune of Rs. 16,46,75,779/- to the credit of the Petitioner Company in respect of the 53, 418 applications of farmers made under the Pradhan Mantri Fasal Bima Yojana Scheme as being arbitrary, illegal, unconstitutional and in gross violation of the rights of the Petitioner Company besides being in direct contravention of Section 64 VB of the Insurance Act, 1938 and set aside such actions and

b. consequently direct Respondent No. 1 and 3 to forthwith remit a sum of Rs. 16,46,75,779/- to the credit of the Petitioner Company being their share of insurance premium in respect of the 53, 427 applications of farmers made under the Pradhan Mantri Fasal Bima Yojana in keeping with their obligations under the Scheme in light of the order dated 28.10.2023 passed by the District Consumer Commission, Kakinada in Consumer Complaint CC No. 40 of 2022.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No. 5 not insist on payment of Rs. 15,72,59,998/- as awarded by the District Consumer Commission, Kakinada

vide its order dated 28.01.2023 in Consumer Complaint CC No. 40 of 2022, Pending disposal of WP 7194 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No. 1 and 3 to forthwith take steps to remit their share of insurance premium to the tune of Rs. 16,46,75,779/- to the credit of the Petitioner Company in respect of the 53, 427 applications of the farmers made under the Pradhan Mantri Fasal Bima Yojana Scheme including by considering and acting upon the representation of the Petitioner Company dated 17.03.2023 shared vide email dated 18.03.2023, Pending disposal of WP 7194 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 25.04.2023, 20.06.2023, 30.12.2024 & 14.02.2026 made herein and upon hearing the arguments of Sri TARUN G. REDDY, Advocate for the Petitioners, Sri Aswartha Narayana, GP appearing for Respondent Nos. 1 & 2, Sri Deputy Solicitor General appearing for the 3rd respondent, Sri Srinivasa Basava, Standing Counsel for respondent No.5, the Court made the following;

ORDER:

Heard Sri Avinash Desai, learned senior counsel assisted by Sri Tarun G. Reddy, learned counsel for the petitioners and Sri S. Srinivas Reddy, learned senior counsel assisted by Sri Srinivas Basava, learned counsel for respondent No.5.

2. Learned senior counsel for respondent No.5 raises an objection to the maintainability of writ petition on the ground that there is a statutory remedy of appeal before the State Commission on the order passed by the District Commission.

3. Learned senior counsel further submits that in fact the appeal was filed before the State Commission but the petitioners did not comply with the statutory provision of deposit of the statutory amount and consequently, the appeal was dismissed on 18.05.2023 by the State Commission. However, the said fact was not disclosed in the writ petition and there was suppression of material facts.

4. Learned senior counsel further submits that under the interim order passed by this Court on 25.04.2023 in the writ petition directing the petitioners to deposit 50% of the awarded amount to the credit of Consumer Complaint No.40 of 2022 within a period of four weeks from that day, the petitioners have deposited that amount and in view thereof, that deposit may be considered "as statutory deposit in the appeal" and the State Commission may be directed to decide the appeal though dismissed on that ground, by issuing appropriate directions.

5. Learned senior counsel for the petitioners referring to page – 12 of rejoinder affidavit in I.A.No.4 of 2026 submits that though the appeal was filed before the State Commission but the same was returned with the objections as raised by the State Commission Registry. The entire report of the State Commission is being reproduced as under:

"Returned for compliance of following objections:

1. Statutory amount for filing the appeal under Sec.41 of C.P. Act, 2019 be deposited.
2. Original certified copy of the order obtained from the District Commission with sufficient sets be filed.
3. Copies of complaint and written version filed before the District Commission be filed (3+1).
4. Correct description of the parties as arrayed in the order of the District Commission be mentioned in the grounds of appeal/stay petition.
5. Grounds of appeal not signed by the counsel.
6. Index the material papers with pagination."

6. Learned senior counsel for the respondents submits that the order dated 25.04.2023 by the co-ordinate Bench was passed at a time when, it was not brought to the notice of this Court about the appeal proceedings before the State Commission.

7. Learned senior counsel for the petitioners further submits that there was no suppression of material fact. The filing of the appeal before the State Commission which was dismissed for non compliance with the statutory provision, is not a material fact to be disclosed in the writ petition and so, there was no suppression of the material fact, placing reliance in S.J.S.Business Enterprises (P) Ltd. v. State of Bihar {(2004) 7 SCC 166}. He further submits that even if there be an alternative remedy, there are well recognized exceptions in which writ petition may be entertained. In his submission the order of the District Commission was passed without jurisdiction as the applicant could not be covered under "consumer" as also not having pecuniary jurisdiction.

8. The aforesaid submissions have been refuted by the learned senior counsel for the respondents submitting that the District Commission had the jurisdiction and there was no lack of pecuniary jurisdiction as well.

9. At this stage learned senior counsel for the petitioners submits that the submissions require to be elaborated and makes request for some other date.

10. Post on 11.08.2026.

11. All the submissions from either side are open to be raised on the next date of listing regarding the maintainability and entertainability of the writ petition.

SD/- T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Member Secretary, State Legal Services Authority.

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2. One CC to Sri. Tarun G. REDDY Advocate [OPUC]
 3. One CC to Deputy Solicitor General [OPUC]
 4. One CC to Sri. Srinivasa Basava, Advocate [OPUC]
 5. Two CCs to GP FOR AGRICULTURE ,High Court of Andhra Pradesh. [OUT]
 6. Two spare copies

HIGH COURT

RNT,J
&
PKC,J

DATED: 21/07/2026

POST ON 11.08.2026

ORDER

WP.No.7194 of 2023

INTERIM DIRECTION

