



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE TWENTIETH DAY OF JUNE,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE ACTING CHIEF JUSTICE SRI A. V. SESA SAI
AND
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION 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 Mirchiyad, 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 FasalBima 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 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 N. Harinath, Deputy Solicitor General appearing for the 3rd respondent, Sri Srinivasa Basava, Standing Counsel for respondent No.5 and the Court made the following

ORDER:

"Sri Aswartha Narayana, learned Government Pleader appearing for the respondents 1 & 2 and Sri N. Harinath, learned Deputy Solicitor General appearing for the 3rd respondent request time for filing counters.

Post on 18.07.2023.

Interim order, dated 25.04.2023, stands extended for a period of six (06) weeks."

//TRUE COPY//

For

**Sd/- A. VIJAY BABU
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI. TARUN G. REDDY Advocate [OPUC]
2. One CC to Sri N. Harinath, Deputy Solicitor General [OPUC]
1. One CC to Sri. Srinivasa Basava, Advocate [OPUC]
3. Two CCs to GP FOR AGRICULTURE, High Court of Andhra Pradesh. [OUT]
4. One spare copy

CVSS

HIGH COURT

**ACJ
&
RRRJ**

DATED:20/06/2023

POST ON 18.07.2023.

ORDER

WP.No.7194 of 2023

INTERIM ORDER EXTENDED

