

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**MONDAY, THE THIRTIETH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

**HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR
AND
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**



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 0/0 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 Bimal 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 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 and the Court made the following

ORDER:

“ Learned Government Pleader for Agriculture seeks some more time for filing counter affidavits.

List on 10.02.2025 as a last opportunity for filing counter affidavits failing which, exemplary costs shall be imposed.

Interim order granted earlier shall stand extended till the next date of hearing.”

SD/- A. VIJAYA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

kw
SECTION OFFICER

To,

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

HIGH COURT

**HC,J &
RRR,J**

DATED: 30.12.2024

LIST ON 10.02.2025

ORDER

WP.No.7194 of 2023

INTERIM ORDER EXTENDED

