

(2021) 11 OHC CK 0135

In the Orissa High Court

Case No : Writ Petition (C) No. 4346 Of 2017

Pramod Kumar Mohanty And Others

APPELLANT

Vs

State Of Orissa And Others

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Citation : (2021) 11 OHC CK 0135

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Pramakrishna Patra, Y.S.P. Babu, S.S. Rao

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Patra, learned advocate appears on behalf of petitioners and submits, the insurance claims of farmers were wrongly calculated. He submits, his clients are engaged agriculture and their produce is paddy. He refers to counter filed by opposite party no.2 being Director of Economics and Statistics (DES). He points out from resolution dated 21st May, 2015 published in Odisha Gazettee that the government had decided to continue implementation of National Agricultural Insurance Scheme (NAIS) during kharif-2015, crop season in the State. The scheme was to be implemented by opposite party no.4. The scheme, disclosed as annexure-C/2 in the counter, has clauses 6 and 7, which deal with yield data and claims. He submits, from clause in respect of yield data it is a clear that same is to be obtained on crop cutting by DES. The data is to be furnished by DES to the Government in Co-operation Department, who in turn will place it before opposite party no.4. He then refers to annexure-D/2 in the counter. It is confidential letter dated 17th May, 2016 written by Government of Odisha, Planning and Convergence Department to DES. He demonstrates that revision of yield data was directed thereby, for re-estimation. There was direction for comparison of yield data furnished by DES with Special Relief Commissioner

(SRC) yield data. Lower of the two crops loss figures were to be taken for revised yield estimation. He submits, original yield estimation on crop cutting estimation made by DES was not relied upon but this direction for revision for comparison of yield data, wrongly made, to assess his clients' claims at lower percentage of loss.

2. Mr. Babu, learned advocate appears on behalf of opposite party nos. 1, 2, 3 and 5 while Mr. Rao, learned advocate appears on behalf of opposite party no.4. On query from Court Mr. Rao submits, there is no provision in the scheme requiring SRC to conduct crop cutting estimation for furnishing yield data. As such there appears to be no basis for the direction of revision made by said confidential letter dated 17th May, 2016.

3. Hearing is adjourned to enable opposite parties to demonstrate that original yield data was liable to revision, as done, under the scheme, admittedly adopted by the Government for pay out on loss suffered by farmers in khariff-2015.

4. Mr. Rao submits, his client has filed counter. It is not in the file. Opposite party no.4 will furnish copy of the counter to Court for reconstruction of the record. Mr. Babu seeks copy. His clients may request opposite party no.4 copy.

5. List on 6th December, 2021 as prayed for by opposite parties.

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