

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24229 of 2016

M/s.Industrial & Power Solutions

Represented by its Proprietor

Mr.G.Mohanakrishnan

... Petitioner

Vs.

1 National Insurance Company Ltd. S-7,
Mamanji Centre, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 600 032 Rep. by
its Manager

2 Insurance Regulatory and Development
Authority, PARISHARAMA Bhavan, III Floor,
Basheer Bagh, Hyderabad - 500 004 ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to act on the claim of the petitioner entity dated 10/12/2015 for an amount of Rs.16 Lakhs, towards damages caused due to floods covered in policy No. NIC 501600/11/14/3100000405, and consequently directing the respondents to disburse the same to the petitioner.

For Petitioner : Mr.S.Krishnanandh

For Respondent : Mrs.R.Srividya for R1

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner states that they are in the business of providing cladding solutions to various power plants in Tamil Nadu namely, Ennore Thermal Power Station, North Chennai Thermal Power Station, Tuticorin Power Station etc. and the petitioner for the purpose of its business, stocks various chemicals for the treatment procedure namely, Lancer Epoxy Base, Epoxy Hardener Aradu, Dicalcium Phosphate, Caustic Soda Flakes, Titaium Di Oxide, Condenser Cleaning Chemicals, Polymer Resin, Zinc Chromate Paint, Copper Granules, Al.Brass Condenser Tubes and Polyguard 999 etc.

3.The petitioner further states that during November, 2015 due to sudden flood, all the stocks had damaged and in this regard, the petitioner has also lodged a claim to the first respondent and thereafter, a Surveyor was appointed and he inspected the damaged goods. However, the first respondent did not act on the claim lodged by the petitioner and therefore, the petitioner has approached the second respondent for appropriate relief. Thereafter, the said Surveyor vide e-mail communication dated 20.01.2016, has also called

for certain details and the petitioner had furnished all the details and vide e-mail communication dated 14.05.2016, the first respondent has informed the petitioner that his grievance has been closed.

4.Mr.S.Krishnanandh, learned counsel appearing for the petitioner would submit that the claim was lodged as early as on 10.12.2015 itself, but however, the first respondent is not taking any action whatsoever and as a consequence, the petitioner is suffering very much and prayed for appropriate orders.

5.This Court also heard the submissions of Mrs.R.Srividya, learned counsel who accepts notice on behalf of the first respondent.

6.This Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit a reminder representation to the first respondent as to the non disposal of the claim for insurance, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the claim made by the petitioner as well as the reminder representation, within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Manager,
National Insurance Company Ltd. S-7,
Mamanji Centre, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 600 032.
- 2 Insurance Regulatory and Development
Authority, PARISHARAMA Bhavan, III Floor,
Basheer Bagh, Hyderabad - 500 004 ... Respondent

+1 CC to Mr.B.Satish Sundar, Advocate Sr.No.39572

W.P.No.24229 of 2016

KJI (CO)
KP(29.07.2016)

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