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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9903/2018**

RANGOLI INTERNATIONAL PVT. LTD. ..... Petitioner

Through Mr Manohar Malik, Advocate.

versus

EXPORT CREDIT GUARANTEE CORPORATION LTD. ..... Respondent

Through

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **19.09.2018**

C.M. No. 38588/2018

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying as under:-

> **"**a) issue a writ of certiorari in order to set aside the Orders/Decision dated 28.05.2018 passed/made by the Respondent thereby rejecting the Claims of the Petitioner in respect of seven different buyers covered under Multi Buyer Exposure Policy No. MBEP-0510000475 and Single Buyer Exposure Policy No. SBEP-0510000659;
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> b) issue a writ mandamus directing the Respondent to decide the claims of Petitioner in respect of Multi Buyer Exposure

Policy No. MBEP-0510000475 and Single Buyer Exposure Policy No. SBEP-0510000659 in a just, proper and reasonable manner;

c) issue a writ mandamus directing the Respondent to rely on all the documents/information provided by the Bankers of the Petitioner in their respective claim in respect of their respective Post Shipment Guarantees qua the Petitioner's exports and decide the claim of Petitioner in respect of Multi Buyer Exposure Policy No. MBEP-0510000475 and Single Buyer Exposure Policy No. SBEP-0510000659 in a just, proper and reasonable manner;

d) issue a writ of mandamus directing the Respondent to provide to the Petitioner all the documents/information provided by the Bankers of the Petitioner in their respective claim in respect of their respective Post Shipment Guarantees qua the Petitioner's exports;

e) issue a writ of mandamus directing the Respondent to consider and admit the claims of the Petitioner in respect to Multi Buyer Exposure Policy No. MBEP-0510000475 and Single Buyer Exposure Policy No. SBEP-0510000659 and release the claim amount within the reasonable period as this Hon'ble Court deems fit and proper;**"**

4. A plain reading of the impugned order indicates that the petitioner's claim under the insurance policy have been rejected on several grounds. The petitioner's grievance is that it had no opportunity to address the aforesaid grounds.

5. The learned counsel appearing for the petitioner submits that the claims made by the petitioner were not decided and, therefore, the petitioner had preferred a writ petition bearing number W.P. (C) 5905/2018 captioned

as *Rangoli International Pvt. Ltd. v. Export Credit Guarantee Corporation Ltd.* Notice in the said petition was issued by this Court on 28.05.2018 and on the very same date, the respondent rejected the claims made by the petitioner. Thus, rendering the said writ petition infructuous. He submits that this indicates that respondent had considered the petitioner's claim in haste.

6. Since the petitioner's claim was rejected for specified reasons, this Court does not consider it apposite to examine any controversy in that regard. However, the learned counsel appearing for petitioner submits that some of the reasons for rejection of the claims are incorrect.

7. In this view, it would be apposite for the petitioner to approach the respondent directly. The present petition is, accordingly, disposed of by permitting the petitioner to file a representation before the respondent. If such a representation is filed within a period of two weeks from today, the same would be considered and disposed of by a reasoned order within a period of four weeks thereafter.

8. In view of the limited relief being granted to the petitioner, this Court does not consider it apposite to issue any notice for hearing the respondent in this regard. It is clarified that all rights and contentions of the parties are reserved and nothing stated in this order should be construed as an expression of opinion on the merits of the controversy.

VIBHU BAKHRU, J

SEPTEMBER 19, 2018
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