

ORDER SHEET
WPO NO.28 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BUDGE BUDGE REFINERIES LTD.
Versus
UNITED INDIA INSURANCE CO. LTD. DO-IV & ANR.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 22nd December, 2020

Appearance :
Mr. Ramesh Kumar Chowdhury, Adv.,
for the petitioner.

Mr. Rajesh Singh, Adv.,
for the respondent no.1.

The Court : The petitioner's allegation is that the petitioner's insurance claim has not been settled by the respondent-insurance company despite several reminders.

Learned Counsel appearing for the respondent-insurance company submits that this matter does not require any affidavit-in-opposition on the face of the documents produced by the petitioner itself, since the claim is hopelessly time barred. Learned Counsel indicates that the claim first arose in the year 2011. Thereafter, infrequent correspondence of the years 2012 and 2016 has been relied upon by the petitioner. As such, the claim made by way of the writ petition in 2020 is barred by limitation.

Moreover, learned Counsel for the respondent no.1 submits that no documents regarding the acknowledgment of the petitioner's claim on the part of the insurance company is lying with the records of the insurance company. As such, it is impossible to settle such an inordinately delayed claim at this point of time.

It appears from the submissions of the parties that although the insurance policy of the petitioner with the respondent-insurance company is admitted, there is some

doubt as to the exact amount of claim to which the petitioner is entitled as well as on the score of the claim being time barred.

In such view of the matter, it would serve the ends of justice to direct the respondent no.1 to consider the claim of the petitioner afresh on the basis of the documents annexed to the present writ petition.

Accordingly, WPO No.28 of 2020 is disposed of by directing the respondent no.1 to reconsider the claim of the petitioner on the basis of the documents annexed to the present writ petition and decide the claim to which the petitioner is entitled, if any, within three months from date. The petitioner shall extend full co-cooperation to the respondent no.1 in the event the said respondent requests the petitioner for further details regarding the claim.

It is further clarified that this Court has not gone into the merits of the petitioner's insurance claim and/or the maintainability thereof and all points shall be kept open for being decided by the respondent no.1, upon giving opportunity of representation to the petitioner, if necessary, in accordance with law.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)