

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16997 of 2021

JKM INFRA PROJECTS LTD. a Company registered under the Companies Act, 1956 and having its Registered Office at A- 28, Sector- 9, Noida, Uttar Pradesh- 201301, and Regional Office at Flat No. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, P.S. Sri Krishna Puri, District Patna, through its authorized Signatory Ashish Jalan, aged about 48 years, Male, son of Late Mahavir Prasad Jalan, resident of Gorakh Nath and Leela Apartment, East Boring Canal Road, P.S. Sri Krishna Puri, District Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Ministry of Home Affairs, through the Home Secretary, Government of India, New Delhi.
3. The National Highways Authority of India through its Chief General Manager (B.H.) Head Quarters, National Highway Authority of India G-5 and 6, Sector- 10, Dwarka, New Delhi- 110075.
4. The Project Director, PIU, Purnia, NHAI, Purnia, Bihar.
5. The New India Assurance Company Ltd. through its Chairman cum Managing Director, Registered Office at 87, M G Road, Fort Mumbai- 400001.
6. The Senior Divisional Manager, Divisional Office- I (420400), 3rd Floor, Arif Chamber- I, Kapoorthala. Aliganj, Lucknow- 226020.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Union of India : Mr. R.K. Sharma, CGC

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-10-2021 The present writ petition has been filed seeking the following reliefs:-

“(i) Quashing of the communication dated 16.04.2021 issued by the Respondent (‘Impugned Communication’) by which the Respondent has arbitrarily and illegally repudiated the 100% Insurance Claim of the petitioner which was lodged



in respect of losses suffered at Jogbani, Bihar on account of heavy rainfall and flooding on 12.08.2017; and

(ii) Direction upon the Respondents to consider afresh claim of the petitioner on merits and decide the same by a reasoned and speaking order after affording an opportunity of hearing and considering material and evidences on record.”

At the outset, the learned counsel for the petitioner Shri Prabhat Ranjan, Advocate seeks liberty on behalf of the petitioner to avail such alternative remedies as are available to the petitioner including approaching the appropriate Consumer Forum/Commission.

Having regard to the submissions made by the learned counsel for the petitioner, not opposed by the learned counsel for the Union of India Shri R.K. Sharma, Central Government Counsel, I deem it fit and appropriate to dispose off the present case as not pressed, however, with liberty to the petitioner to avail such other remedies as are available under the law for redressal of its aforesaid grievances.

It is needless to state that in case the petitioner avails such other remedies, as are available under the law, including that of approaching the consumer forum/Commission, for redressal of its aforesaid grievances, by filing appropriate petition within a period of four



weeks from today, the concerned court/tribunal/consumer forum/Commission/authority shall consider the case of the petitioner on merits, without being impeded by the issue of limitation.

(Mohit Kumar Shah, J)

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