

OD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/556/2021

BUDGE BUDGE REFINERIES LIMITED
Versus
UNITED INDIA INSURANCE COMPANY LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 08th September, 2021.

Appearance :
Mr. R. K. Chowdhary, Adv.
Mr. Prottyush Chatterjee, Adv.
... for the petitioner .

Mr. Rajesh Singh, Adv.
Mr. Aniruddha Singh, Adv.
... for the respondent.

Mr. Sanjeeb Seni, Adv.
... for the UOI.

The Court: The writ petitioner is aggrieved by an order dated 19th March, 2021 passed by the United India Insurance Company Limited refuting the claims of the petitioner and alleged loss under certain insurance contracts. The said order was passed pursuant to orders of the Coordinate Bench of this Court dated 22nd December, 2020 in WPO 28 of 2020.

Counsel for the petitioner Mr. Chowdhary submits that the grounds on which the claim has been rejected are not sustainable under the terms of contract of insurance.

It is further argued the contract does not entitle the insurance company to conduct any independent survey. The insurance company was bound by the certificate of loss or survey report furnished by the petitioner.

It appears from the records that the petitioner suffered loss sometime in the year 2011. Until the year 2016 there appears to have been some correspondence with the insurance company. There has been no correspondence since the year 2016 until 2020 when the order dated 22nd December, 2020 in writ petition No.28 of 2020 was passed. There are serious questions of limitation and other questions which involve disputed questions of fact which cannot be gone into by writ Court.

For the reasons above, the writ petition shall stand dismissed. However, if the petitioner has any sustainable claim in law, he may agitate the same before the appropriate civil or other forum.

With the aforesaid direction writ petition is disposed of.

(RAJASEKHAR MANTHA, J.)