

28.03.2022

Ct. No. 13

Sl.52

pk

W.P.A No. 5971 of 2021
(Through Video Conference)

Vidyasagar Central Co-operative Bank Ltd.
Vs.
State of West Bengal and others

Mr. P. C. Bhattacharya,
Ms. Soumita Ghosh

.... For the petitioners

Mr. Srijan Nayak,
Ms. Rituparna Maitra,
Mr. Partha Sarathi Pal
... for the State.

Mr. Billwadal Bhattacharyya,
Mr. Moyukh Mukherjee
... for the respondent no. 3.

Mr. Rajesh Singh
... for the Insurance Company

Re: CAN 1 of 2021

This is an application for recalling of the order dated 18.08.2021, by which the writ petition being W. P. A. No. 5971 of 2021 was dismissed for default.

Upon perusal of the averments made in the said application, this Court finds that sufficient grounds have been made out explaining the absence of the petitioner on the said date.

CAN 1 of 2021 is thus allowed and disposed of.

The writ petition being W. P. A. No. 5971 of 2021 is restored to its original file and number.

Re: WPA 5971 of 2021

The Insurance Company is represented by Mr. Rajesh Singh. One of their officials, Mr. Priyabrata Saha is present in Court. It appears that out of 1200 odd crop insurance claims made through the writ petitioner/bank on the National Insurance Company Limited, about 629 claims have not been settled.

Counsel for the petitioner submits that the Insurance Company has acted unfairly in declining the settlement of these claims.

Mr. Rajesh Singh, learned advocate appearing for the Insurance Company, submits that appropriate documents were not produced with some claims, and that there are discrepancies with regard to the insurance policies in some cases. The Bank did not reconcile the claims properly.

Having heard the counsel for the parties, this Court is of the view that the matter can be put to rest if the Insurance Company prepares a table, along with the format specifying the documents required in each claim.

In terms of the said table, the writ petitioner shall furnish to the Insurance Company, the particulars and documents as sought for, in respect of each of the 629 claims.

Upon receipt of such claims, the Insurance Company shall take a decision in the matter and make

payment against those claims, it is agreeable to admit. An appropriate communication may be made to the writ petitioner, as expeditiously as possible, to enable it to approach the appropriate forum for remedies.

The Insurance Company shall provide the format as indicated hereinabove, within a period of ten days from date. The claims shall be submitted within a period of fifteen days thereafter, by the writ petitioner.

It is expected that the aforesaid exercise shall be completed within a period of three months from the date of communication of a copy of this order.

The Department, Co-operation Department and the Agricultural Department of the State shall render all necessary assistance to resolve the aforesaid disputes.

The presence of the official of the Insurance Company, Mr. Priyabrata Saha, is dispensed with.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

Compliance report of the State Commission is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

