

6th May,
2022
(AK)
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W.P.A 7352 of 2022

Maa Tara Enterprise
Vs.
The National Insurance Company Limited and others

Mr. N.I. Khan
Mr. Amlan kr. Mukherjee
...for the petitioner.

Mr. Soumen Data
Ms. Dolon Dasgupta
...for the respondent nos.1 to 3.

Affidavit-of-service filed in court today be kept on record.

Despite service, none appears apart from counsel for the petitioner and the respondent nos.1 to 3.

It is contended by learned counsel for the petitioner that despite the petitioner being in possession of a temporary permit to ply inter-state, valid from August 28, 2020 to September 24, 2020, when the vehicle of the petitioner met with an accident in Bihar, the Insurance claim of the petitioner was denied on the ground that the temporary permit was not valid but a fake document.

It is evident from the Annexure-P4 at page-27 of the writ petition that the above stand was taken by none else but the National Insurance Company Limited itself.

It is submitted that, despite having a valid receipt and a valid permit, respectively annexed at pages-28 and

29 of the writ petition, the Insurance Company unlawfully refused to release the claim.

Learned counsel appearing for the Insurance Company, on instruction, submits that only upon valid enquiry by an officer appointed for such purpose by the National Insurance Company Limited, it came to light that the temporary permit relied on by the petitioner, as annexed at page-29 of the writ petition, was not valid.

Although the petitioner has already given several representations to the Insurance Company to decide the issue, disputing the allegation that the temporary permit is fake, the Insurance Company has not dealt with such representations till date.

Instead of depriving the parties of one factual forum, it would be appropriate if the respondent nos. 1 to 3 consider the representations of the petitioner and, upon giving a hearing to the writ petitioner and furnishing all relevant documents on which the Insurance Company relied for coming to the conclusion that the temporary permit is fake and invalid, and take a decision in that regard.

Accordingly, WPA 7352 of 2022 is disposed of by directing respondent nos.1 to 3 to consider the representations of the petitioner, as annexed at pages-36 and 39 of the present writ petition, and, upon giving an opportunity of hearing and of production of further documents, if any, to the petitioner and disclosing the

documents and relevant material on which the Insurance Company relied on for coming to the conclusion that the temporary permit produced by the petitioner was fake and invalid, to decide the issue afresh and thereafter, accordingly, to take an appropriate decision in respect of the entitlement of the petitioner to the claim of insurance as made by the petitioner.

Such entire exercise shall be completed as expeditiously as possible, preferably within May 31, 2022. Immediately after a decision is taken, the same will be communicated by the respondent nos.1 to 3 to the petitioner.

It is made clear that the respondent no.4, that is, the Regional Transport Authority, South 24 Parganas, shall render all cooperation to the respondent nos.1 to 3 and the petitioner in furnishing relevant documents in the above regard.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)