

15th June, 2022
(D/L No.16)
(SKB)

W.P.A. 13693 of 2021

Puja Jana
Versus
United India Insurance Co. Ltd. and others

Ms. Sahana Naznin,
Ms. Priyakshi Banerjee
... for the petitioner.

Mr. Soumendranath Ganguly,
Mr. Siddhartha Goswami
... for the respondents.

The affidavit of service is taken on record.

The only relief sought for by the petitioner is for considering the representations made by the petitioner on 19th June, 16th July, and 18th July, 2020 to the United India Insurance Company Limited in respect of loss suffered by the petitioner during 'Amphan'.

After hearing learned counsel appearing for the parties, it seems that the Insurance Company initially repudiated the claim of the petitioner on the ground of the claim being barred by delay. The second objection raised by the Insurance Company pursuant to a report of a surveyor appointed sometime in October, 2020, it appears that the objection was in relation to the petitioner not cooperating with the surveyor.

The objection taken with regard to the claim of the petitioner being time-barred should be rejected since the said repudiation which was dated 24th July, 2020 was during subsistence of orders passed by the Supreme Court in *suo motu* writ petition which extended all periods of limitation under Special and General Loss with effect from 15th March, 2020. Hence, the ground of

delay should not have been taken by the Insurance Company at the relevant point of time.

The second objection expressed by the mail on 2nd March, 2021 again relates to the ground of delay which is totally unacceptable.

The submission made on behalf of the Insurance Company is that the petitioner has not been present whenever the Insurance Company intended to act in terms of the representations. This objection can easily be taken care of and the matter would be resolved.

Learned counsel appearing for the petitioner submits that the petitioner will be ready and available to render all possible assistance to the Insurance Company or the surveyor, as the case may be, on 22nd June, 2022 at 1 p.m. The grievance of the petitioner, as would appear from the representations, the last being of 23rd March, 2021 shall be considered by the authorised representative of the Insurance Company and the surveyor.

Since nothing further remains to be decided in the matter, W.P.A.13693 of 2021 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)