

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.23740 of 2014
(Through hybrid mode)**

Maa Samulai Rice Mill

....

Petitioner

Mr. Sidhartha Mishra, Advocate

-versus-

***National Insurance Company Ltd.
and others***

....

Opposite Parties

Mr. J.R. Deo, Advocate
For O.Ps.1 and 2

Mr. A.K. Mishra, Advocate
for O.Ps.3 and 4

CORAM: JUSTICE ARINDAM SINHA

**ORDER
10.05.2022**

**Order No.
06.**

1. Mr. Mishra, learned advocate, appears on behalf of petitioner, a rice mill. He submits, cyclone 'Phailin' caused damage to stock of paddy and rice. His client is a miller. Paddy is supplied by/procured from Orissa State Civil Supplied Corporation Ltd. (OSCSCL). On agreed ratio the paddy is milled and rice delivered to OSCSCL.
2. The stock was insured through OSCSCL but paltry amount of Rs.1,56,717/-, settled by the insurance company. He refers to internal communication dated 16th November, 2013 of OSCSCL and submits, at serial no.27 there is mention of his client's loss at 2759 quintals of

paddy and 1838 quintals of rice. He seeks interference.

3. Mr. Deo, learned advocate appears on behalf of the insurance company and submits, OSCSCL is the insured. 92 quintals of their stock was found with petitioner, as damaged. Accordingly, the compensation was assessed and paid. So far as communication dated 16th November, 2013 is concerned, it is clear therefrom that District Manager of OSCSCL forwarded representation of millers to the Managing Director.

4. Mr. Mishra, learned advocate appears on behalf of OSCSCL and submits, the accounts in respect of the period, when 'Philin' struck, have been squared up. His client, being the insured, is satisfied with service rendered by the insurance company. Payment for milling charge in the period has duly been paid.

5. Above submissions do not appear to reveal ground for interference at instance of petitioner. In event petitioner disputes the position on facts, petitioner must find remedy.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant