IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5723 Of 2019
(Through hybrid mode)

Sarat Kumar Dash .... ***Petitioner***

Mr. H.N. Tripathy, Advocate

-versus-

The Territory Manager (LPG), Bharat Petroleum Corporation Ltd (BPCL) .... ***Opposite Parties***

Mr. S. Patnaik, Advocate
Mr. J.R. Deo, Advocate

CORAM: JUSTICE ARINDAM SINHA

Order No.	**ORDER** **16.03.2022**
04.	**1.** Mr. Tripathy, learned advocate appears on behalf of petitioner and submits, his client was injured and thereafter disabled by reason of accident caused on blast of LPG cylinder. The accident took placed on 2nd October, 2012.

2. The oil company by letter dated 13th February, 2015 had informed that the file in respect of petitioner was closed on no claim/claim not supported by valid documents/information. His client was compelled to move this Court by W.P.(C) no.18483 of 2018, which was disposed of by order dated 1st December, 2018 on concession of the parties. The oil company thereafter forwarded claim to the insurance company. By letter dated 15th February, 2019 the oil company informed that they had received insurance claim settlement intimation. The claim was purportedly settled at Rs.97,500/- on cover for medical expenses. Compensation for disability was not even considered. He refers to additional document being disabled certificate dated 28th July, 2019 filed under memo.

3. Mr. Deo, learned advocate appears on behalf of the insurance company and submits, the claim on disability was not considered as the claim had already been settled.

4. It is a fact that the claim was prematurely closed. Settlement of claim only on first medicines and treatment happened on reopening of the claim, pursuant to said order dated 1st December, 2018 in petitioner's earlier writ petition. It is also to be appreciated that when disability is caused by reason of an accident, its effect, diagnosis and certification cannot follow immediately thereafter.

5. The insurance company will consider the disability certificate of petitioner and pay compensation in event the disability falls within categories 1 to 5 of section II in the policy regarding personal accident cover to third parties. Otherwise, petitioner is to be informed as to why his disability is not covered by the five entries. Either way the insurance company must act within four weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks