

HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21365 of 2021

M/s. Bishnupriya Rice Mill

.... Petitioner

None

-versus-

State of Odisha & others

.... Opp.parties

Mr. L.Samantaray, AGA for O.P.Nos.1 to 3.
Mr. Manoj Ku. Mohapatra, Advocate for O.P.No.4-Bank
Mr. G.P.Dutta, Advocate for O.P.No.5

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

12.12.2022

(Hybrid Mode)

Order No.

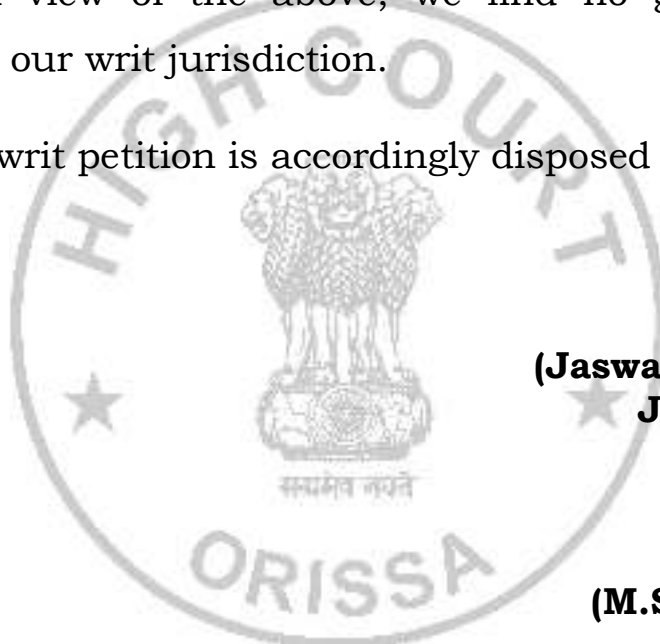
- 7.** 1. None appears for the petitioner when the matter is called.
2. The petitioner is a defaulting borrower in a cash credit loan account as well as term loan account, which have been declared as NPA on 31st March,2020 leading to issuance of a demand notice under Section 13(2) of the SARFAESI Act, 2002 on 6th March,2021.
3. By filing the present petition a mandamus has been sought directing the Insurance Company/opp.party no.5 to re-survey the damage suffered in the Unit under insurance on account of the cyclone 2020, so as to establish its claim for insurance money on account of loss.
4. At the time of hearing, the learned counsel for the Insurance Company states that upon receipt of the claim, a survey was got conducted by the Insurance

Company whereby it was found that the damage to the Unit was suffered much prior to the period when the area was afflicted by cyclone 2020.

He further submits that the proper remedy for the petitioner was either to approach the Insurance Ombudsman under Redressal of Public Grievances Rule, 1998 or to approach the Consumer Courts under the Consumer Protection Act, 1986 (as amended from time to time).

In view of the above, we find no grounds to invoke our writ jurisdiction.

The writ petition is accordingly disposed of.



(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge