



W.P.No.4167 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.4167 of 2018

M/s.JKM Leathers

Represented by its partner, Mr.N.Kumar,
“Swami House” No.4 Vasantha Garden Street
Ayanavaram, Chennai 600 023.

.. Petitioner

Vs.

1. The Independent Review Committee
ECGC Ltd (Export Credit Guarantee Corporation of India)
Express Towers, 10th Floor
Nariman Point, Mumbari-400 023.

2. The Assistant General Manager (Grievances)
ECGC Ltd (Export Credit Guarantee Corporation of India)
Express Towers, 10th Floor
Nariman Point, Mumbari-400 023.

3. The Branch Manager,
EPCG-Periamet Branch,
Chennai-600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue any writ or order or direction most particularly in the nature of Certiorarified Mandamus and call for the records pertaining to the



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impugned order dated 07.08.2017 of the 2nd respondent communicating the decision of the 1st respondent taken in its meeting held on 29.07.2017 and quash the same and further direct the 3rd respondent to sanction the insurance claim of Rs.49,65,000/- made on 02.12.2014.

For Petitioner : M/s.Hari Radhakrishnan

For Respondents : Ms.Pooja Jain
for M/s.Giridhar & Sai for R1 to R3.

ORDER

This Writ Petition has been filed assailing the impugned order dated 07.08.2017 passed by the 2nd respondent communicating the decision taken by the 1st respondent and for a direction to the 3rd respondent to sanction the insurance claim of Rs.49,65,000/- made on 02.12.2014.

2. It is the case of the petitioner that the petitioner being a small scale manufacturer and exporter of leather jackets since 1986, has taken comprehensive Risk Policy for the period from January 2012 to December 2013 which was extended from January 2014 to December 2015. In the year 2014, the petitioner made an insurance claim before the 3rd respondent vide



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letter dated 27.09.2013, with respect to the non-payment of certain shipments made to one buyer, namely M/s.H.P.Mannich, Germany for a total amount of Rs.47.22 lakhs. Due to non-payment of the said dues, the credit limit in respect of the said default buyer was withdrawn by ECGC. When M/s.H.P.Mannich, Germany started re-paying the dues, the petitioner began sending shipments during the period September, 2013 to July, 2014. However, the insurance claim submitted by the petitioner was rejected by the 3rd respondent vide letter dated 06.04.2015 on the ground that even after the credit limit to the default buyer was canceled by the Corporation, shipments have been made to the buyer. Thereafter, the issue was placed before the Apex Consumer Grievance Committee (ACGC) on 15.09.2016, wherein the claim of the petitioner was rejected on the very same ground. Aggrieved by the same, the petitioner finally sent a representation to the Assistant General Manager vide letter dated 14.10.2016 claiming the insurance amount towards the non-payment of the dues of shipments to the default buyer which was placed before the 1st respondent. However, based on the decision of the 1st respondent, the claim of the petitioner was rejected by the 2nd respondent vide the present impugned order dated 07.08.2017.



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Challenging the said order, the present Writ Petition has been filed.

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3. Learned counsel for the petitioner submits that as against the rejection order, the petitioner has also made a complaint before the Insurance Regulatory and Development Authority (in short 'IRDA'), Hyderabad, which was registered as token No.11-17-09227, pursuant to which, the petitioner was informed that his complaint has been forwarded to ECGC. However, till date the same is pending consideration. Having left with no other remedy, the petitioner has filed this Writ Petition.

4. On the above contention, this Court heard the learned counsel appearing for respondents 1 to 3 and perused the materials available on record.

5. Though this Writ Petition has been filed as against the rejection order of the 2nd respondent, however, in view of the fact that as against the very same order, petitioner has filed a complaint before the Insurance Regulatory and Development Authority, Hyderabad and the same is still



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pending consideration, this Court, without interfering with the impugned order, is inclined to permit the petitioner to canvass all the points before the Insurance Regulatory and Development Authority wherein the complaint is pending.

6. Accordingly, this Writ Petition stands dismissed with the above liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No

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M.DHANDAPANI, J.
NHS

To

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