

S/L 14
08.07.2024
Court. No. 551
Sourav

WPA 2343 of 2009

M/s. Mishra Stores
Vs.
The New India Assurance Co. Ltd. & Ors.

Mr. Birendra Kumar Jha
Mr. Manish Patra
Mr. Anish Das

...for the petitioner.

Mr. Soumalya Ganguli
Ms. Sudarshna Dutta

...for the respondents.

1. Parties are represented through their learned advocates.
2. In this writ petition, the writ petitioner was aggrieved with the respondent no. 1/authority for not settling their fire insurance claim of Rs. 42 lakhs. At the very outset on being asked, learned advocate for the writ petitioner submits before this Court that admittedly, the respondent no. 1, i.e., the New India Assurance Company Limited is not an authority under Article 12 of the Constitution of India.
3. On perusal of the entire materials as placed before this Court, it further reveals to this Court that the dispute between the writ petitioner and the respondent no. 1/Insurance Company arose on account of a contractual obligation for which the writ petitioner could have availed alternative forum.
4. In view of such, this Court finds no reason to exercise its jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, the instant writ petition being **WPA 2343 of 2009** is dismissed along with all interim applications, if therebe any.
6. Interim order, if therebe any, stands hereby vacated.
7. Urgent photostat certified copy of this order, if applied for be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)