

D/L.7.
April 4, 2024.
MNS.

WPA No. 19258 of 2023

Baduria Jute Products Private Limited
and others
Vs.
The Oriental Insurance Company Limited
and others

Mr. Arijit Bardhan,
Mrs. Smita Mukherjee,
Ms. Saheli Bose

... for the petitioners.

Mr. Ananda Gopal Mukherjee

...for the respondents.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioners submits that the petitioners have two-fold objections.
3. First, the petitioner no.1, an insured, made an insurance claim on a fire having broken out in its premises, upon which a computation of claim was made by the Insurance Company, but without providing any copy of the survey report on which the calculation was based and/or furnishing the breakup and particulars of the computation.
4. The petitioners seek both of those in order to ascertain whether the computation suits the petitioners, otherwise to prefer a challenge against the same.

5. Learned counsel for the Oriental Insurance Company Limited points out to Regulation 5 of the concerned Regulations and argues that if there is a grievance on the part of the insured, a specific grievance redressal procedure, mechanism and forum is provided thereunder.
6. However, the present matter has not yet reached the stage of a “grievance” as such.
7. The petitioners are justified in arguing that in order to ensure transparency, a copy of the survey report and the particulars of the computation ought to be furnished to the petitioners.
8. Accordingly, WPA No. 19258 of 2023 is disposed of by directing the Insurance Company to furnish the exact break-up and particulars of the computation of assessment of the insurance claim of the petitioners as well as to furnish to the petitioner a copy of the survey report/reports, which were relied on by the Insurance Company for coming to its conclusion about the claim. Such particulars and copies shall be furnished to the petitioners preferably within three weeks from date by the Insurance Company.
9. It is made clear that in the event after getting those the petitioners are aggrieved by the computation, it will be open to the petitioners

to challenge the same before the appropriate forum under the appropriate grievance redressal mechanism.

10. There will be no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)