

WP(C) 1934/2007

BEFORE

THE HON'BLE MR JUSTICE AMITAVA ROY

Heard Mr. S Chamaria, learned counsel for the petitioner.

Having regard to the grievances raised and the reliefs prayed for, I dispose of the petition at the motion stage.

For the order, which I propose to pass, I do not consider it necessary to issue notice on the respondent/Insurance Company.

The stated case of the petitioner, is that it is a small scale industry, having a Fire and Acid Brick industry at TOPATOLI, near Jagiroad in the district of Nagaon and had insured its business with the respondent/Insurance Company. As a massive cyclone that swept the Jagiroad area on 05.05.2006, caused extensive damage to the petitioner's industry, it in terms of the policy, approached the respondent/Insurance Company for recompense in view of the cover provided thereunder. The petitioner has asserted that the damage sustained by its industry, is estimated to be Rs. 14, 62, 097.00/-. The grievance is that inspite of repeated requests to the concerned authorities of the respondent, its claim has remained unresponded till date. Being without any alternative, the petitioner is before this Court. The learned counsel for the petitioner, while reiterating the above, has also drawn the attention of this Court to the various representations and the official correspondences on the issue.

On a consideration of the pleaded facts and the documents appended to the petition, it seems that though, the process for scrutinizing the petitioner's claim has been initiated, no final decision as on date has been taken. In the meantime, almost a year has elapsed.

In the above facts and circumstances, this Court is of the view that it would meet the ends of justice, if this petition is closed with a direction to the respondent/Bank to complete the process already undertaken and decide the petitioner's claim as early as possible in accordance with law.

Needless to say that the petitioner would also co-operate with the respondent. As it is submitted on behalf of the petitioner that the loss, if not reimbursed in time, its industry cannot survive, it is further provided that the exercise indicated hereinabove, should be completed within a period of one (1) month from the date of receipt of certified copy of this order. The petition stands closed. No costs.