

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO.825 OF 2026
IN
COMMERCIAL SUIT NO.8 OF 2025

West Bengal Power Development Corporation Ltd. Applicant/
.. Org. Plaintiff

Versus

The New India Assurance Company Limited Respondent/
Org. Defendant

-
- Ms. Simran R. Grover, Advocate for Applicant / Org. Plaintiff.
 - Mr. Rushabh Vidyarthi, Advocate i/by. Asim Vidyarthi for Respondent / Org. Defendant.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 16, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 16.01.2026. Perused the praecipe.
- 2.** Heard Ms. Grover, learned Advocate for Applicant / Org. Plaintiff and Mr. Vidyarthi, learned Advocate for Respondent / Org. Defendant.
- 3.** Interim Application filed by Plaintiff seeks a summary judgement in the captioned Suit. According to Ms. Grover the precursor order enabling the Plaintiff to file present Suit proceedings passed by Calcutta High Court in Writ Petition filed by Plaintiff in respect of second repudiation of the claim of Plaintiff. Defendant is an Insurance Company based in Mumbai.

4. Ms. Grover draws my attention to the fact that in the order passed by the Calcutta High Court there was a specific direction to look into all aspects and to rely only on the second survey report which was obtained by Defendant and specifically not to consider the first survey report. She would submit that pursuant to the said order, Defendant on its own volition obtained a third survey report, copy of which was never given to Plaintiff for consideration and by relying on the said report claim of Plaintiff has been repudiated.

5. Mr. Vidyarthi in his usual fairness confirms the fact that the copy of third survey report was never given to Plaintiff. In that view of the matter, serious question is raised on passing of the impugned order itself based on the third survey report. Though it may be otherwise open to Defendant to argue to the contrary considering that Application is made for summary judgement, Mr. Vidyarthi will take appropriate instructions and accordingly apprise the Court on the next adjourned date. Leave to file Affidavit-in-Reply is also granted provided Defendant answers the aforesaid issue noted by the Court.

6. Affidavit-in-Reply to the Interim Application is directed to be served on Advocate for Plaintiff within a period of three weeks from today as requested by Mr. Vidyarthi. Affidavit-in-Rejoinder, if any is permitted to be filed within a period of one week thereafter.

7. All contentions of Plaintiff and Defendant are expressly kept

open to be agitated in their respective Affidavits.

8. Stand over to **18th February, 2026.**

9. Praeceptum is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.01.16
18:49:43
+0530