

(2003) 04 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

SURADHAN ENTERPRISE

APPELLANT

Vs

National Insurance Co. Ltd.

RESPONDENT

Date of Decision : 11-04-2003

Acts Referred:

Citation : 2003 3 CPJ 380

Hon'ble Judges : S.C.Datta , S.Majumder , D.Karformas J.

Final Decision : Appeal disposed of

Judgement

1. HEARD learned Counsel for the parties. This case relates to the theft of 270 empty LPG cylinders of I.O.C. The Forum noticed that there had been a burglary in the godown of the complainant on 2/3rd April, 1995 and miscreants took away 270 empty LPG cylinders. It is the case of the O.P. that empty LPG cylinders are not covered under the policy but only filled up cylinders were covered. But the relevant policy could not be produced by either of the parties. During hearing learned Counsel for the appellant has produced one letter dated 28.8.1997 said to have been issued by the Branch Manager of the respondent at its Tamluk Branch, wherein it has been categorically stated that the LPG Gas cylinders whether they are filled up and/or empty while they are stored in the godown and showroom are fully covered under the risk and house-breaking and burglary policy. The learned Counsel for the respondent could not offer any satisfactory explanation as to how this letter could be issued by the Branch Manager. He, however, submits that this letter was issued for subsequent period and it has no relation to the insurance cover in respect of the cylinders of the complainant. These are disputed questions of fact and the matter is not easy of determination before the Appellate Court. Learned Counsel for the appellant submits that the matter may be sent back on remand to the Forum below with a direction to hear the same afresh after allowing opportunity of hearing to both sides. We find merit in the submission and allow the appeal and sent back the case on record to the Forum below with the direction to decide the matter afresh after allowing the opportunity of hearing to both sides. The appeal be disposed of accordingly. Appeal disposed of.