

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10795 of 2018

1. M/s Sudha Seva Sadan, Sarvoday Nagar, Bihar Ekangarsarai Road, Biharsharif, P.O. Biharsharif, District-Nalanda through Om Prakash Suman, S/o Sri Yugal Kishore Pandey Managing Partner, Resident of Sarvoday Nagar, P.O. Maghra, P.S. Deepnagar, District- Nalanda.
2. M/s Mamta Mother and Child Hospital P Ltd. , Biharsharif Nalanda through Dr. Sunil Kumar S/o Dr. Ramrup Prasad Singh, Managing Director, Resident of Nala Road Near Om Residency Patel Nagar, P.O. Biharsharif, District-Nalanda.
3. M/S Haddi Hospital, Bharaopar, Biharsharif Nalanda, through Chandeshwar Prasad S/o late Ramjee Prasad, Managing Partner, Resident of Ramchandrapur, Bharaopar, P.O. Biharsharif, District- Nalanda.
4. M/s Nalanda Seva Sadan, Bharaopar, Biharsharif Nalanda through Dr. Siya Sharan Prasad S/o late Thakuri Mahto, Managing Partner, Resident of Ramchandrapur Road, Bharaopar, Biharsharif, P.O Biharsharif, District-Nalanda.
5. M/S Suhagi Clinic, Biharsharif, Nalanda through Dr. Sheo Shankar Prasad Singh S/o late Sohrai Prasad, Managing Partner, Resident of Mangla Ashtan Ramchandrapur, P.O. Biharsharif, District- Nalanda.
6. M/S Nalanda Netralay and Maternity Home Pvt. Ltd. Biharsharif Nalanda through Dr. Arbind Kumar Sinha S/o late Indra Deo Prasad Director, Resident of Khandakpar, Doctor's Colony, P.O. Biharsharif, District-Nalanda.
7. M/s Khushboo Hospital, Biharsharif Nalanda through Dr. Anil Kumar Sinha S/o late Yamuna Prasad Sinha, Managing Partner, Resident of Bypass Road, Kargil Park, P.O. Biharsharif, District- Nalanda.
8. M/s Manjula Hospital and Research Center Pvt. Ltd. Hilsa Nalanda through Dr. Santosh Kumar S/o Parmeshwar Singh, Managing Director, Resident of Patna Road Hilsa, P.O. Hilsa, District- Nalanda.
9. M/s Kushi Hospital near PHED Office Yogipur Road, Hilsa Nalanda through Dr. Pankaj Kumar S/o late Awadhesh Kumar, Managing Partner, Resident of Matrichhaya, Saketpuri Bahadurpur, P.O. Rajendra Nagar, Patna-16
10. M/S Ashirwad Sewa Sansthan, a duly registered Society under the Societies Registration Act, NH31, Dhamauli, Rahui Nalanda through the Secretary Mahesh Prasad Singh, S/o late Basudeo Narayan Singh Village- Dhamauli, P.S. Rahui, Nalanda.

... .. Petitioners

Versus

1. The National Insurance Company Ltd., a Company registered under the provisions of the Companies Act, 1956 and having its registered office at 3 Middleton Street Kolkata-71 through its Chief General Managar.
2. The Chief General Manager, National Insurance Company Ltd., 3, Middleton Street, Kolkata-71
3. The Regional Manager, National Insurance Company Ltd., R.S.B.Y. Cell,



Bihar Unit Patna.

4. The Nodal Officer, National Insurance Company Ltd., R.S.B.Y. (Cell), Bihar Unit Patna.
5. The Dedicated Health Care Services T.P.A. (I) Pvt. Ltd., a Company registered under the Provisions of Companies Act, 1956 and having its registered office at Cambata Building 2nd Floor, 42 Mahar Shikar Way Road, Mumbai-20.
6. The Union of India through the Secretary Health Department, Central Secretariat, New Delhi.
7. The Secretary, Department of Health, Central Secretariat, New Delhi.
8. The State of Bihar through the Principal Secretary, Department of Health, Old Secretariat, Patna.
9. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
10. The District Magistrate, Nalanda at Biharsharif, P.O. Biharsharif, District-Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Raj Kishore Prasad Singh, Advocate Mr.Bhushan Chaudhary, Advocate
For the State	:	Mr.Birju Prasad- GP13
For the National Insurance Company	:	Mr.Ashok Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-08-2019 The petitioners in the present case are aggrieved by non-settlement of their claims for payment raised in terms of the agreement dated 1st August, 2015, copy of which has been brought on record as Annexure '1' to the writ application. It is submitted that in terms of the conditions of contract relating to payment of Bills each of the petitioners raised their online claim. They had also submitted the discharge summary in accordance with the rate as prescribed in Annexure '3' of the agreement on a daily basis but the claim has not been paid to the



petitioners. Although a statement to this effect has been made in the writ application but no document has been enclosed in support thereof.

Learned counsel for the respondents submits that on perusal of Annexure '1' it would appear that the agreement has come to an end on 29.02.2016. If it is the case of the petitioners that they had been submitting their claim online with discharge summary on each day, in case of non payment they could have invoked the arbitration clause contained under the agreement but after about 2 and ½ years from the date of expiry of the agreement the petitioners have chosen to file this writ application.

Learned counsel submits that this Court sitting in its writ jurisdiction under Article 226 of the Constitution of India would not act as a fact finding Court to find out as to whether the petitioners have actually worked and have submitted Bills or not. In similar circumstance, it is stated that a learned Co-ordinate Bench of this Court in C.W.J.C. No. 12421 of 2012 passed order dated 01.08.2012 whereby a direction has been issued to the State Level Grievance Redressal Committee to take a decision in the matter in accordance with law within a period of three months. It is submitted that similar order may be



passed in the present case as well.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that this Court would not be in a position to record a finding as to whether the petitioners have actually worked and had submitted the Bills. It would, however, direct the State Level Grievance Redressal Committee to look into the grievance of the petitioners in terms of the agreement as contained in Annexure '1', consider the same and take a decision thereon within a period of three months from the date of receipt/production of a copy of this order.

In case the petitioners are found to have submitted their online claims with discharge summary and all other documents required in terms of the agreement on each date as have been claimed in the writ application and they are found to be genuine and payable then the respondents shall pay the admitted claim of the petitioners after taking a decision thereon as above within next one month.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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