

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP NO. 22039 OF 2015
DECIDED ON : 22.04.2019**

New Apna Hospital

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. S. K. Vashisht, DAG, Haryana.

Mr. Paul S. Saini, Advocate,
for respondents No.4 and 5.

ARUN MONGA, J. (ORAL)

1. The present writ petition has been filed, *inter-alia*, seeking quashing of communication dated 29.09.2015 (Annexure P-12) whereby representation of the petitioner has been rejected without proper consideration. Further direction has been sought to reimburse the amount of expenditure incurred on the treatment of patients treated by the petitioner-hospital under the Rashtriya Swasthya Bima Yojna Scheme (hereinafter referred to as "the RSBY Scheme"), along with interest @ 12% per annum.

2. The persons belonging to Below Poverty Line (hereinafter referred to as "BPL") are to be imparted treatment in hospitals free of costs upto ₹30,000/-, subject to the same being reimbursed by the Insurance Companies under RSBY Scheme.

3. Learned counsel for the petitioner contends that respondents were required to follow the procedure, as contained in Step 4 of Clause 11 of the RSBY Scheme, relevant of which is reproduced hereinbelow :-

"Step 4 Action by the Insurance Company :

11. If the investigation reveals that the complaint/allegation against the hospital is correct then following procedure shall be followed :

- a) The hospital must be issued a "Show Cause" notice seeking an explanation for the aberration and a copy of the show cause notice is sent to the State Nodal Agency.*
- b) After receipt of the explanation and its examination, the charges may be dropped or an action can be taken.*
- c) The action could entail one of the following based on the seriousness of the issue and other factions involved :
 - i) A warning to the concerned hospital.*
 - ii) De-empanelment of the hospital."**

4. Learned counsel further contends that a Show Cause Notice/suspension was ordered by the Insurance company on 31.07.2013. It also directed the petitioner not to entertain any patient by the hospital till further orders. Ultimately, hospital was de-empaneled on 09.09.2013. On 12.08.2014, hospital was re-empaneled. Respondents failed to take decision within 30 days as per Rules and despite the re-empanelment declined to make the payment to the petitioners.

5. Learned counsel for the respondent-United India Assurance Company (hereinafter referred to as "the Insurance Company"), at the outset, submits that concededly the treatment imparted to the patients in the present case, qua which the reimbursement was sought, is after the date of specific communication dated 07.09.2013

(Annexure P-3) conveyed to the petitioner-hospital of it being de-empaneled. He further submits that after its de-empanelment, the petitioner-hospital was logged off from the IP address of the Insurance Company. The Insurance company, therefore, has no record of the patients having been treated at the hospital. In any case, the treatment if imparted, is after the de-empanelment and until the de-empanelment is restored, the reimbursement cannot be considered. There is substance in the argument put forth by the learned counsel for the respondent/Insurance Company.

6. Be that as it may, even otherwise, I am of the opinion that disputed facts are involved in the present petition to establish the authenticity and veracity of the quantum of medical bills, qua the treatment of patients and the same cannot be gone into in extra ordinary writ jurisdiction. The writ petition is accordingly dismissed. No order as to costs. However, the petitioner is at liberty to seek recourse to the alternative remedy available to it, in accordance with law.

(ARUN MONGA)
JUDGE

APRIL 22, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No