

25-05-2021
ct no. 13
Sl.6
sp

**WPA 9756 of 2021
(Through Video Conference)**

Susmita Sengupta & Anr.

-Versus-

The Chairman, Damodar Valley Corporation & Ors.

**Mr. P. Roy,
Mr. Subhajit Das**

....for the petitioners

The writ petitioner has two-fold grievances that his cashless medical treatment benefit under tie up between his ex-employer, the Damodar Valley Corporation and the Ruby General Hospital has not been honoured.

The petitioner approached the West Bengal Clinical Establishments Regulatory Commission and obtained an order dated January 18, 2021. By the said order, the Commission directed the Ruby General Hospital to reimburse all sums paid being the differential amounts between two bills. The hospital was also directed to render assistance to the complainant in seeking appropriate reimbursement from his ex-employer, the Damodar Valley Corporation.

The petitioner submits before this Court that he had applied before the Commission for

execution of the said order but there was no reply by the Commission in this regard. No formal application for execution has been produced.

This Court notes that in terms of Sections 20 and 45 of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017, the petitioner is required to approach the Commission with an appropriate application for execution of the order dated 18.1.2021.

A writ Court under Article 226 of the Constitution of India cannot be called upon to execute orders passed by a Statutory Regulatory Commission.

In those circumstances, granting liberty to the petitioner to approach the Commission for an appropriate application under Sections 20 and 45 of the aforesaid Act, the writ petition shall stand dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)