

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4965 of 2021

ICICI Lombard General Insurance Company Limited having its Registered Head office at Veer Savarkar Marg Near Sidhi Vinayak, Prabhadevi Mumbai - 400025, through Vivek Anand, aged about 31 years, Male, Son of Sri R.K. Singh, Manager (Legal)/Authorized Signatory/Duly Constituted Attorney, 2nd Floor, Krishna Bhawan, Near Dakbanglow Chauraha, Patna - 1.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Labour, Government of Bihar, Patna.
4. The Principal Secretary, Department of Health, Government of Bihar, Patna.
5. The State Health Society, Bihar having its office at New Annex Building, Old Secretariat, Patna, Bihar, through its Executive Director.
6. The Executive Director, the State Health Society, Bihar, New Annex Building, Old Secretariat, Patna, Bihar.
7. The Bihar Swasthya Suraksha Samiti, through the Chief Executive Officer, New Annex Building, Old Secretariat, Patna, Bihar.
8. The Chief Administrative Officer, Bihar Swasthya Suraksha Samiti, New Annex Building, Old Secretariat, Patna, Bihar.
9. The Union of India through the Ministry of Health and Family Welfare (R.S.B.Y. Division), Room No. 424C, Nirman Bhawan, New Delhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 25-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner is seeking following relief :-



“a) For issuance of an appropriate writ/order or direction commanding the respondent authorities especially the State Health Society and Bihar Swasthya Suraksha Samiti at Patna to pay an amount of Rs. 75,89,04,000/- (Rs. Seventy Five Crore, Eight Nine Lac and Four thousand) being the premium payable to the petitioner company by the State Government as well as the Central Government (to be paid through the State Government), i.e., the respondents out of which Rs.45,24,98,381/- (Forty Five Crore, Twenty Four Lac Ninety Eight Thousand Three Hundred and Eighty One only) has already been paid to the petitioner company and balance of Rs.31,88,38,911/- (Thirty One Crore Eighty Eight Lac, Thirty Eight Thousand Nine Hundred and Eleven Only still remains to be paid to the petitioner company by the respondents for the Health Insurance Cover provided by the petitioner company to the beneficiary family units in the districts of the State of Bihar under the Rastriya Swasthya Bima Yojana (hereinafter referred to as the RSBY/Scheme) during the policy period 2009-2010 to 2013-14, however issue in the present writ application involved is for the period 2011-12 to 2013-14.

b) For the issuance of any other order or orders/direction as the Hon'ble Court



may deem fit in the facts and circumstances of the case and in the interests of justice.”

The petitioner's claim is based on an agreement between the Government of Bihar and the Company under Rastriya Swasthya Bima Yojana. A copy of the agreement has been brought on record by way of Annexure-1 to the writ application, Clause-20 of which deals with grievance redressal arising out of the said agreement. Clause 20.3D deals with grievance against State Nodal Agency/ State Government.

Considering the submissions advanced on behalf of the petitioner and the State of Bihar, State Health Society, Bihar and Bihar Swasthya Suraksha Samiti, this application is disposed of with a liberty to the petitioner to invoke the said grievance redressal mechanism as provided under Clause 20.3D of the agreement or before any other forum in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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