

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1475 of 2021

Tata AIG General Insurance Company Limited, a Companies registered under the Companies Act, having its Registered Office at 15th Floor, Tower A, Peninsula Business Park, G.K. Marg, Lower Parel, Mumbai 400013 through Mr. Rishi Shukla, S/o Rajendra Shukla, Presently posted Deputy Vice President- Legal and Secretarial/Authorized Signatory/Duly Constituted Attorney, Tata AIG General Insurance Company Limited, 15th Floor, Peninsula Business Park, G.K. Marg, Lower Paral, Mumbai- 400013.

... .. Petitioner/s

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 Annexy Building, Old Secretariat, Patna, Bihar through its Executive Director.
6. The Executive Director, The State Health Society, Bihar, New Annexy Building, Old Secretariat, Patna, Bihar.
7. The Bihar Swasthaya Suraksha Samiti through the Chief Executive Officer, New Annexy Building, Old Secretariat, Patna, Bihar.
8. The Chief Administrative Officer, Bihar Swasthaya Suraksha Samiti, New Annexy 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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Durgesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Shantanu Kumar, Advocate
		Mr. K. K. Sinha, Advocate
		Ms. Smriti Singh, AC to AAG 10

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- a) For issuance of an appropriate writ/order or direction commanding the respondent authorities

especially the State Health Society and Bihar Health Security Society to pay an amount of Rs.2,56,63,875.00/- (Rs. Two Crore, Fifty Six Lac and Sixty Three thousand and Eight hundred Seventy Five only) 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. 53,89,413.75/- (Fifty Three Lac Eighty Nine Thousand Four Hundred Thirteen and Seventy Five Paisa only) has already been paid to the petitioner company and balance of Rs2,02,74,461.25/- (Two Crore Two Lac, Seventy Four Thousand Four Hundred and Sixty One and Twenty Five Paisa) 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 Supaul of the State of Bihar under the Rastriya Swasthya Bima Yojana (hereinafter referred to as the RSBY during the policy Period 2012-2013.

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.”

On 07.12.2021, we have passed the following order:-

“Sri Shantanu Kumar, learned counsel for the petitioner, states that the petitioner can perhaps vent out the grievance subject matter of the present petition, before the State Level grievance Redressal Committee, Department of Health constituted to deal with it.

Sri Durgesh Kumar Singh, learned counsel for the petitioner, states that the constitution of the committee itself is flawed inasmuch as there is no representative from the Insurance Company.

We direct the Chief Secretary, Government of Bihar, to ensure that the committee is immediately constituted in accordance with law and also direct the petitioner to appear before the committee within one week. The legally constituted committee shall take a decision on the petitioner's request and pass a speaking order. The same shall be placed on record with this file.

The Statement is disputed by the learned counsel

for the State.

Be that as it may, we direct the Chief Secretary to examine the matter and ensure that the committee is properly constituted as per law.

List this case on 18th of January 2022.”

Thereafter, on 21.01.2022, we have passed the following order:-

“Shri Ajay Kumar Rastogi, learned Additional Advocate General No. 10 prays for and is granted four weeks’ time to comply with the order dated 7th of December, 2021. He assures that within the said period the State Level Grievance Redressal Committee, Department of Health shall positively be constituted.

Let an affidavit of compliance be filed before the next date.

List this case on 4th of March, 2022.”

Pursuant thereto, as is evident from the counter affidavit dated 03.03.2022 filed on behalf of respondent nos.6 and 7, namely, the Executive Director, the State Health Society, Bihar, New Annery Building, Old Secretariat, Patna, Bihar and The Bihar Health Security Society, through the Chief Executive Officer, New Annery Building, Old Secretariat, Patna, Bihar, vide notification dated 2nd of March, 2022, the State Grievance Redressal Committee (S.G.R.C.) stands constituted.

In this view of the matter, it is always open for the petitioner to invoke Clause 20 (page 38) of the agreement dated 26th of December, 2012 entered into between the petitioner and

the Bihar State Labour Welfare Society.

We are sure that as and when any such request is received from the petitioner, the same shall be dealt with expeditiously in accordance with law.

Also, material required by the petitioner shall be supplied by the respondents for which, direction shall be obtained from the authorities referred to in the said Clause etc.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2022
Transmission Date	NA