

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2479 of 2020**

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Cholamandalam MS General Insurance Company Limited a Company registered under the Companies Act 1956 having its Registered and Head Office at 2nd Floor, Dare House, No. 2, NSC Bose Road, Parrys Corner, Chennai, through its authorized signatory

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, the Department of Health, Govt. of Bihar, Patna
2. The Principal Secretary Department of Labour, Govt. of Bihar, Patna
3. The Principal Secretary Department of Health, Govt. of Bihar, Patna
4. The State Health Society Bihar having its office at Parivar Kalyan Bhawan, Sheikhpura, Patna through its Executive Director
5. The Executive Director the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, patna
6. The Bihar Health Society through the Chief Executive Officer, New Annex Building, Old Secretariat, Patna, Bihar
7. The Chief Administrative Officer Bihar Health Security Society, New Annex Building, Old Secretariat, Patna, Bihar
8. 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

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**Appearance :**

For the Petitioner/s : Mr.Durgesh Kumar Singh Advocate  
For the Respondent/s : Mr.Binod Kumar Yadav (Sc18)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 20-09-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

a) For issuance of an appropriate writ/order or direction commanding the Respondent authorities especially the State Health Society and Bihar Health Security Society at Patna to pay an amount of Rs.7,19,80,579/- 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.6,26,21,799.02 has already been transferred to the State Government by the Central Government, 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 01.01.2013 to 31.12.2013.

b) For the issuance of any other or further order as the Hon'ble Court may deem fit in the facts and circumstances of the case and in the interests of justice.

It is not in dispute that in relation to the very same subject matter, this Court has already disposed of similar petition seeking similar reliefs, being C.W.J.C No. 1475 of 2021 titled as Tata AIG General Insurance Company Limited Vs. The State of Bihar & Ors.

Learned counsel for the respondents submits that the

petition can be disposed of in terms of the directions contained therein.

At this stage, Shri Durgesh Kumar Singh, learned counsel for the petitioner states that the amount received from the Central Government, ought to be directed to be released in favour of the petitioner.

Well, all these issues can be examined by the State Grievance Redressal Committee.

We are of the considered view that at least the undisputed amount can be remitted to the petitioner.

Ordered accordingly.

Rest of the issues are left open to be adjudicated by the State Grievance Redressal Committee.

In C.W.J.C. No. 1475 of 2021 we had passed the following order:-

“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 2<sup>nd</sup> 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 26<sup>th</sup> 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.”

#### The instant petition

(a) Stands disposed of in terms of judgment dated 08.03.2022 passed by this Court in C.W.J.C. No. 1475 of 2021 (Supra), titled as **Tata AIG General Insurance Company Limited Vs. The State of Bihar & Ors.**

(b) The directions contained therein shall also govern the instant case *mutatis mutandi* to the extent possible;

(c) Undisputed amount shall be released in favour of the petitioner;

(d) Matter shall be decided by the State Grievance Redressal Committee positively within a period of three months from the date of receipt of a copy of this order;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

( S. Kumar, J)

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