

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9411 of 2017

1. Yogmaya Devi Memorial Hospital Through Proprietor Dr Utkarsh Bhardwaj Son of Sri Vishwanath Prasad Sinha at 1st Floor, Thakur Complex, Near Town Hall, Chitragupta Nagar Police Station - Town Araria, District - Araria, Bihar.
2. Dr. Urkarsh Bhardwaj Son of Sri Vishwanath Prasad Sinha Senior Advocate at 1st Floor, Thakur Complex, near Town Hall, Chitragupta Nagar Police Station - Town Araria, District - Araria, Bihar and also at Shivpuri, Off Boring Road, Police Station - Shastrinagar, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The State Nodal Authority Rashtriya Swasthya Bima Yojna cum Executive Director, Bihar State Health
3. The United India Insurance Company Ltd through Regional Manager, 3rd Floor, Chanakya Tower, R. Bloc
4. The Vidal Health Insurance TPA Pvt. Ltd through its Managing Director, Whitefield Opposite Sathya S

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate
For the Respondent/s : Mr. S.D. Yadav-Aag. 9

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 22-09-2023 Heard the parties.

2. The present CWJC is filed for the following

reliefs :-

*“(i) Direct the respondents to pay the sum due, Rs.61,23,093 to the petitioners.
(ii) Pay interest @ 18% per annum from due date.
(iii) Any other relief or reliefs to which the petitioners are found to be entitled to in the facts and circumstances of the case.”*



3. The petitioners in the present case are aggrieved by non-settlement of their claims and for payment of the bills raised in terms of the agreement copy of which has been brought on record as *Annexure - 'I'* in the writ petition. It is submitted that in terms of the conditions of contract relating to payment of Bills, the petitioners have raised their online claim. The petitioners have also submitted the discharge summary in accordance with the rate as prescribed in the agreement on a daily basis but the claims have not been paid to the petitioners till date.

4. Learned counsel for the respondents submits that on the perusal of *Annexure - 'I'* it would appear that the agreement has come to an end on 31.08.2016 which was extended till 31.03.2017. If it is the case of the petitioners that they had been submitting their claims online along with the discharge summary on each day and in case of non payment of the claims, the petitioners invoked the arbitration clause contained under the agreement. However, the petitioners have chosen to file this writ application.

5. Learned counsel submits that this Hon'ble Court exercising writ jurisdiction under Article 226 of the Constitution of India cannot decide disputed duration of fact and would not



act as a fact finding Court to enquire as to whether the petitioners have actually executed the work and submitted Bills or not claimed by them. Learned counsel has stated under similar circumstances, a co-ordinate Bench of this Hon'ble Court in C.W.J.C. No. 12421 of 2012 vide order dated 01.08.2012 has given a direction to the State Level Grievance Redressal Committee to take a decision in the matter in accordance with law within a period of three months. It is submitted that similar order may also be passed in the present case as well.

6. Having regard to the submissions made by the learned counsel for the parties and on perusal of the records, this Court is of the opinion that Court is not in a position to record a finding as to whether the petitioners having actually worked and submitted the Bills. It would, however, direct the State Level Grievance Redressal Committee to look into the grievance of the Petitioners in terms of the agreement as contained in *Annexure - 'I'*, consider the same and take a decision thereon within a period of three months from the date of receipt/production of a copy of this order.

7. In case the petitioners are found to have submitted their online claims with discharge summary and all other



documents required in terms of the agreement on each date as have been claimed in the writ application and they are found to be genuine and payable, then the respondents shall pay the admitted claim of the petitioners after taking a decision thereon as above within one month thereof.

8. The writ petition stands disposed off accordingly.

(A. Abhishek Reddy , J)

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