

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18989 of 2021**

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, 2 NSC Bose Road, Parry s Corner, Chennai, through Mr. Amitabh Mallik, aged about 49 years, son of Sri Ashok Kumar Mallick, Authorized Signatory/Duly Constituted Attorney, Cholamandalam MS General Insurance Company Limited, 3rd Floor, I.G. Complex, West Boring Canal Road, Patna - 800001.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Health and Family Welfare (R.S.B.Y. Division), Room No. 424C, Nirman Bhawan, New Delhi.
2. The State of Bihar through the Principal Secretary, the Department of Health, 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 Parivar Kalyan Bhawan, Sheikhpura, Patna through its Executive Director.
6. The Executive Director, the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna.
7. The Bihar Swasthya Suraksha Samiti, through the Chief Executive Officer, new Annexy Building, Old Secretariat, Patna, Bihar.
8. The Chief Administrative Office, Bihar Swasthya Suraksha Samiti, New Annexy Building, Old Secretariat, Patna, Bihar.
9. Dr. M.M. Haque @ Dr. M.M. Haq, son of not known to the petitioner, Proprietor Dr. M.M. Haque Nursing Home at Mohalla - Vinodpur, P.S.- Katihar, District - Katihar.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 1317 of 2024**

Dr MM Haque, Proprietor Dr MM Haque Nursing Home at locality Binodpur, P.S.- Katihar Town, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Patna.
2. The Principal Secretary Department of health, Govt. of Bihar Secretariat, Patna cum Appellate authority, RSBY Scheme.
3. The Principal Secretary, Department of health, Govt. of Bihar Secretariat Patna.
4. The Bihar State Swasthya Suraksha Samiti, Sheikhpura, Raja Bazar, Patna.



5. The Collector Katihar through District Key Manager, Katihar
6. The Manager Bihar unit, Cholamandalan M/S General Insurance company ltd. 308, Decomplex, opposite Lalita Hotel, Boring Canal Road, Patna.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 18989 of 2021)

For the Petitioner/s : Mr. Durgesh Kumar Singh, Adv.  
Mr. Abhijeet Kumar Singh, Adv.  
For the Respondent/s : Dr. Krishna Nandan Singh (Asg)  
For the Resp. Nos. 6-7 : Mr. Shantanu Kumar, Adv.  
For the Resp. Nos. 7-8 : Mr. Shantanu Kumar, Adv.  
For the Resp. Nos. 5-6 : Mr. K.K. Sinha, Adv.

(In Civil Writ Jurisdiction Case No. 1317 of 2024)

For the Petitioner/s : Mr. Fahad Khurshid  
For the Respondent/s : Mr. Kameshwar Kumar ( Gp 17)  
For the Resp. Nos. 7-8 : Mr. Shantanu Kumar, Adv.  
For the Resp. Nos. 5-6 : Mr. K.K. Sinha, Adv.

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

10    08-10-2024                      Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“That the present writ application is being filed in the nature of certiorari or an appropriate writ for quashing the order dated 19.11.2020 (Annex-6), passed by the Principle Secretary, Department of Health, Government of Bihar – Cum- Appellate Authority, RSBY Scheme, Patna (hereinafter referred to as ‘Appellate Authority’), forwarded vide covering letter dated 09.12.2020, issued under the signature of Deputy Seretary – Cum – Administrative Officer, Bihar Swasthya Suraksha Samiti, by which the petitioner has been directed to scrutinize the 81 claims filed by the Hospital and thereafter to settle all the*



*genuine claims within a period 8 weeks from the date of pronouncement of this order and has further directed to file an affidavit with the Bihar Swasthya Suraksha Samiti (hereinafter referred to as 'BSSS') mentioning therein that all the genuine claims has been settled and/ or pass such other order/ orders for which the petitioner is legally entitled to."*

3. Learned counsel appearing on behalf of the respondent (Insurance Company) has stated that out of the 81 claims raised by the petitioner, 12 claims have not being reported and in so far as three claims are concerned, they have already been rejected by the authority concerned. That the respondent insurance company is willing to make the necessary payments for the balance 66 claims.

4. Learned counsel for the respondent State and also for the Respondent Nos. 6 and 7 has also stated that the present writ petitions may be disposed of directing the insurance company to make the necessary payments to the claimants. That in so far as the claims for which no proposals have been sent/ reported, the petitioner may be directed to submit a detail representation along with necessary documents to the insurance company and the insurance company may be directed to look into the same and in case the claims are found to be genuine



make necessary payments.

5. Having regard to the above made submissions, the writ petition is disposed of directing the Insurance Company to process the 66 claims submitted to it and make the necessary payments as expeditiously as possible preferably within a period of four weeks from the date of receipt of the copy of this order. That in so far as the balance 15 claims are concerned i.e. 12 unreported ones and three rejected ones, the petitioner is directed to make a detail representation along with necessary documents to the insurance company within a period of four weeks from the date of receipt of the copy of this order. On such representation being given, the insurance company will consider the representation and if the claims are found to be correct and genuine, make necessary payments within a period of six weeks thereof.

6. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Gauravkr/-

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