

ML 38
04.09.2024
Court. No. 9
GB

W.P.A. 7593 of 2024

Shaleen Khemani & Anr.
Vs.
Union of India & Ors.

*Mr. Ranjan Bachwat,
Mr. Satyaki Mukherjee,
Mr. J. Gangopadhyay*

...for the Petitioners.

*Mr. Sourojit Dasgupta,
Mr. Vishwarup Acharyya*

...for the Respondent No.3.

The issue involved in this writ petition is already before the Ombudsman.

The learned senior advocate for the petitioners submits that the dispute is whether the premium in respect of the insurance policy issued by TATA AIA Life Insurance Fortune Guarantee Plus, should be paid by treating the policy as a digital or a non-digital one.

It is the contention of the petitioners that the premium should be claimed by treating the insurance as digital. Whereas, the insurance company has claimed premium by treating the same to be non-digital and also refused to convert the same to digital.

The learned advocate for the insurance company submits that the policy which was issued, was non-digital and the premium was charged accordingly. Subsequent request of the petitioners to convert the same to a digital policy and charge insurance premium on the basis thereof,

was not permissible as per the terms and conditions of the policy.

It appears that the petitioner has already approached the Ombudsman and the matter is pending since February. Let the said application of the petitioner be disposed of in accordance with the provisions of the Insurance Ombudsman Rules, 2016, notified on April 25, 2017. The Ombudsman will be governed by Rule 17 of the Rules, irrespective of the pleadings.

It appears that a premium was already paid by the petitioners after the filing of the writ petition at the rate charged by the insurance company. It is recorded that such payment and acceptance is without prejudice and shall be subject to the decision of the Ombudsman.

The authority shall decide the matter independently and upon hearing all the parties. A reasoned order shall be passed and communicated. The decision shall be taken within a period of two months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)