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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 9727/2023

NIKHIL AGRAHARI (DECEASED) THROUGH HIS WIFE SMT. SWETA .....Petitioner

Through: Mr. Amit Sharma, Mr. Mukesh Nauhwar and Mr. Gaurav, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS .....Respondents

Through: Mr. Ajay Kumar Agarwal, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.08.2024**

1. The Petitioner, Smt. Sweta, has filed the present petition seeking benefits as the nominee of her late husband, Mr. Nikhil Agrahari, Advocate, under a life insurance policy. Smt. Sweta contends that her late husband had been a practicing advocate since 2010 and was registered with the Bar Council of Delhi from 2015. As such, he was entitled to the benefits provided under the Chief Minister Advocate Welfare Scheme[1], which includes a life cover of INR 10,00,000/- payable to the nominee of any advocate who loses their life while in practice.

2. Mr. Nikhil Agrahari, who unfortunately deceased on 9th September, 2022, had registered himself under the Scheme with policy No.

[1] "the Scheme"

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31170134220400000001. It is accordingly submitted that Smt. Sweta, being his spouse and therefore a Class One legal heir, along with her two minor children, are entitled to the benefit of the Scheme. It is contended that under the Scheme, the Government of NCT of Delhi (GNCTD) has made an outlay of INR 50 crores for utilisation of the welfare of the legal community. This outlay provides life coverage of INR 10 lakhs and group medi-claim insurance coverage for advocates, their spouses and two dependent children up to the age of 25 years, with a family floater sum assured of INR 5,00,000/-.

3. Subsequent to the death of Late Mr. Nikhil Agrahari, Smt. Sweta applied for the claim and submitted all the necessary documents. The Bar Council of Delhi has, through letter dated 7th January, 2023, verified the registration of Late Mr. Nikhil Agrahari and confirmed that he is entitled and covered under the Scheme from 20th November, 2020 to 19th October, 2023. Despite these verifications and multiple follow up attempts, Smt. Sweta has not been paid any amount under the policy of Group Term Life Insurance under the Scheme. Moreover, the death claim was repudiated despite the medi-claim/ health insurance having been duly reimbursed. In such circumstances, the present petition seeks a *mandamus* to Life Insurance Corporation of India (LIC) to release the amount of INR 10 lakhs into Smt. Sweta's account as the nominee of Late Mr. Nikhil Agrahari.

4. GNCTD has filed a detailed status report highlighting certain key facts in response to the contentions advanced in the petition:

4.1. The Scheme came about under cabinet decision No. 2794 dated 18th December, 2019, whereby it was approved by GNCTD. Applications were invited by Department of Law, GNCTD through online portal (which was

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opened w.e.f. 20th March, 2020 till 29th April, 2020), from all the practicing advocates who were enrolled with Bar Council of Delhi and whose names were incorporated in the voters' list of NCT of Delhi under the Scheme, for availing benefits of Group Term Life Insurance and Group Medi-Claim Insurance Cover.

4.2. In response, a total of 40,115 applications were received by GNCTD. However, Late Mr. Nikhil Agrahari, husband of Smt. Sweta had not applied under the Scheme when the applications were invited in the year 2020. In the year 2021, no fresh applications from eligible advocates were invited under the Scheme.

4.3. In respect of advocates who had applied under the Scheme in the year 2020 and whose credentials were found to be verified from the Bar Council of Delhi and the office of Chief Electoral Officer, GNCTD, Group Term Life Insurance Policy was taken by the Law Department, GNCTD, from LIC w.e.f. 20th November, 2020. The said Group Term Insurance Policy was valid till 19th November, 2021.

4.4. In the year 2021, prior to the expiry of the term of the Group Term Insurance Policy, the Competent Authority, i.e. Minister (Law), had directed to continue the existing Group (Term) Life Insurance Policy taken from LIC on the same terms and conditions w.e.f. 20th November, 2021. However, when the LIC was requested by the Law Department, GNCTD, to continue the Group Term Life Insurance Policy w.e.f. 20th November, 2021, the LIC refused to continue the existing policy (which was valid till 19th November, 2021), on the existing terms and conditions as well as on the same premium rates.

4.5. In these circumstances, the Bar Council of Delhi immediately

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approached this Court through a writ petition titled as "***Bar Council of Delhi Through Its Hony. Secretary Vs. Govt. Of NCT of Delhi & Ors***"[2], for seeking necessary directions to ensure continuation of the existing Group Term Life Insurance Policy. During the course of hearing of the said writ petition, on 18th November, 2021, this Court directed extension of the Group Term Life Insurance Policy on the basis of an assurance given by LIC before the Court that the policy shall be extended in favour of the existing members on *pro-rata* basis for a period of one month so as to ensure that there is sufficient time available with the respondents/parties for engaging in fruitful negotiations in respect of premium rates and other terms and conditions of the Group Term Life Insurance Policy. Subsequently, numerous meetings were held between Department of Law, GNCTD through Additional Secretary (Law) with the representatives of LIC for arriving at a mutually agreeable premium amount per member in respect of the Group (Term) Life Insurance Policy.

4.6. Thus, the said Group Term Insurance Policy bearing No. OYRGTA-1/103008636, which was taken in the year 2020 (which was initially valid till 19th November, 2021), remained in force till 19th October, 2022 and the applicant advocates, who had applied in the year 2020, were the only beneficiaries which were covered under the said policy. Thereafter, in the year 2022, through notice dated 7th February, 2022, the online portal was again opened and eligible advocates under the Scheme were invited to apply between 8th February, 2022 and 17th February, 2022.

4.7. The deceased, Late Mr. Nikhil Agrahari, applied during this aforenoted period through application No. 20210000539. Upon verification

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[2] W.P.(C) 13010/2021

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of his credentials, his name was included in the list of beneficiaries *qua* which the Group Term Life Insurance Policy was taken from LIC for the period commencing from 20th October, 2022. However, he expired on 9th September, 2022, prior to the commencement of the said policy. Accordingly, no benefit can be granted in favour of the nominees of Late Mr. Nikhil Agrahari.

5. The Court has considered the aforenoted fact and contentions. It emerges that although the deceased, Late Mr. Nikhil Agrahari, was included in the list of beneficiaries, he had expired prior to the commencement of his policy bearing No. OYRGTA-1/103011595, which was active from 20th October, 2022 to 19th October, 2023. The notice dated 7th February 2022, issued by the Bar Council of Delhi, explicitly stated that mere registration under the Scheme would not automatically confer its benefits upon an advocate unless their credentials were duly verified. It was only after this verification process that the Group Term Life Insurance Policy was issued by LIC in October 2022. Given that Late Mr. Nikhil Agrahari's death occurred before the effective date of the insurance policy, the claims related to the Group Term Life Insurance Policy, which commenced on 20th October 2022, cannot be admitted in his case. Despite his inclusion in the list of beneficiaries, the insurance coverage under the policy bearing No. OYRGTA-1/103011595 did not come into effect until after his demise, making any claims under this policy inadmissible.

6. It is important to note that the Petitioner's reliance on the verification by the Bar Council of Delhi is of no avail. The verification merely confirmed Late Mr. Nikhil Agrahari's status as a practicing advocate and does not alter the fundamental requirement that the policyholder must be

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alive when the insurance policy becomes active. Furthermore, the Petitioner's contention that they have received benefits under a medi-claim policy is also unhelpful in this context. Entitlements under separate medical insurance policies are distinct from the Group Term Life Insurance Policy and have no bearing on eligibility for life insurance benefits. These two policies serve different purposes and cannot be conflated to establish a claim under the life insurance policy.

7. In light of the foregoing, the Court is unable to grant the relief sought by the Petitioner. Accordingly, the petition is dismissed, along with pending applications.

SANJEEV NARULA, J

AUGUST 22, 2024
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