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

+ **W.P.(C) 3031/2020 & C.M. Nos. 15227-29/2021, 15358-363/2021, 15481-482/2021, 15652-653/2021, 15845/2021, 15869/2021, 15962-963/2021 & 16081-85/ 2021**

RAKESH MALHOTRA

..... Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
INDIA AND ORS

..... Respondent

Appearances:

Mr. Rakesh Malhotra, petitioner in person.

Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Aishwarya Bhati, ASG along with Ms. Monika Arora, Mr. Amit Mahajan, Mr. Anil Soni & Mr. Kirtiman Singh, CGSCs, Mr. Syed Husain Adil Taqvi, GP, Mr. Jivesh Kr. Tiwari, Ms. Nidhi Parashar, Mr. Kanu Aggarwal, Mr. Kritagya Kumar Kait, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg & Mr. Vinay Yadav, Mr. Vidur Mohan, Mr. Waize Ali Noor and Mr. Taha Yasin, Advocates for UNION OF INDIA in all the matters.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant & Mr. Nitnem Singh, Advocates for respondent/ UOI/ MOHFW/ ICMR.

Mr. Rahul Mehra, Senior Advocate along with Mr. Satyakam, Mr. Santosh Tripathi, SC Mr. Gautam Narayan, Mr. Anuj Aggarwal & Mr. Anupam Srivastava, ASCs with Mr. Aditya P. Khanna, Ms. Dacchita Sahni, Ms. Ritika Vohra and Mr. Chaitanya Gosain, Ms. Aayushi Bansal, Advocates for GNCTD in all the matters.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae), Mr. Anandh Venkataramani, Mr. Vinayak Mehrotra, Ms. Mansi Sood, Mr. Karthik Sundar, Ms. Sonal Sarda, Mr. Areeb Y Amanullah, Advocates in all the matters.

Mr. Anil Grover, Senior Additional Advocate General for Haryana along with Ms. Bansuri Swaraj, Additional Advocate General for Haryana and Mr. Siddhesh Kotwal, Ms. Manya Hasija & Ms. Ana Upadhyay, Advocates.

Mr. Divya Prakash Pande, Advocate for respondent/ North Delhi

Municipal Corporation & South Delhi Municipal Corporation.
Mr. Tushar Sannu, Standing Counsel, IHBAS and EDMC with Mr. Ankit Bhadouriya and Mr. Subham Jain, Advocates
Ms. Sakshi Popli, Additional Standing Counsel for NDMC
Ms. Nitya Ramakrishnan, Sr. Adv. with Mr. Prasanna S, Ms. Vinoothna Vinjam and Mr. Ritesh D, Advocates in C.M. No. 15962/2021
Mr. Aseem Chaturvedi & Mr. Ajay Bhargav, Advocates for M/s INOX.
Mr. Abhinav Tyagi, Advocate for M/s Seth Air Products.
Mr. Rohit Priya Ranjan, Advocate for M/s Goyal Gases.
Ms. Shweta Kabra, Advocate for M/s India Glycols Limited
Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan.
Mr. Abhishek Nanda, Advocate for IRDAI.
Ms. Urvi Mohan, Advocate for DBOCWW Board

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.07.2021

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In compliance of our order dated 27.05.2021, the IRDA has filed a further affidavit. The said affidavit has been perused. It is stated by the IRDA that apart from Corona Kavach Policy, there are about more than 90 other products offered by the Insurance Companies which cover domiciliary treatments.

Mr. Nanda, who appears for the IRDA has drawn our attention to Annexure R1 of the affidavit which is a communication dated 16.07.2021 issued by the IRDA to all General and Health Insurers (Except ECGC and AIC) stipulating guidelines on settlement of claims on treatment at 'make-shift or temporary hospitals' as permitted by Government. This Circular, in

effect, states that make-shift hospitals and temporary hospitals set up for treatment of COVID-19 patients, should also be considered as regular hospitals or adjunct to regular hospitals. Thus, the insured who takes treatment at such make-shift hospitals would also be able to avail of their insurance claims for treatment at such facilities. Mr. Nanda states that even the cashless facility has been made available for treatment at such facilities.

Mr. Nanda has also drawn our attention to an Advisory issued by the IRDA to all General and Stand Alone Health Insurers (Except AIC and ECGC). The said Advisory relates to offering Add-on Cover for Home Care/ Domiciliary Treatment to existing policy holders. In this communication the IRDA has advised the insurers that they could offer Add-on Cover to all existing policy holders during mid-term by charging appropriate additional premium for the residual term of the policy, after submitting their proposal to the IRDA for approval.

Since the said communication was issued on 21.06.2021, and not much time has elapsed after, let the IRDA issue a reminder in respect of the communication dated 21.07.2021 to the insurers qua the General and Stand-Alone Health Insurers, and file a status report with regard to the progress made in respect of the said Advisory before the next date of hearing.

This aspect shall be considered on 23.08.2021.

VIPIN SANGHI, J

JASMEET SINGH, J

JULY 14, 2021/*N.Khanna*