

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL  
COMMISSION, REWARI.

Consumer Complaint No: 71 of 2023.

Date of Institution: 18.1.2023.

Date of Decision: 21.3.2024.

Navin Kumar son of Rajender Kumar, Shop-cum-residence no. 5 B, New  
Anaj Mandi, Rewari.

.....Complainant.

Versus

1. Aditya Birla Health Insurance Company Limited through its Manager  
SCO -34, IInd floor, Brass Market, Rewari.
2. Aditya Birla Health Insurance Company Limited through its Manager  
SCO 24, Ist floor, Above Pizza Hut HUDA Shopping complex  
Sector-14, Gurugram, 122001,
3. Aditya Birla Health Insurance Company Limited, policy issuing office  
7<sup>th</sup> Floor, Modi Business Centre, Kasarvadavli Thane ( W ) -400615.
4. Aditya Birla Health Insurance Company Limited registered office 9<sup>th</sup>  
floor, Tower -1, one India bulls Centre, Jupiter Mills Compound 841  
Senapati Bapat Marg, Elphinstone Road, Mumbai -400018 .

.....Opposite Parties

Complaint Under Section 35 of Consumer Protection Act, 2019

Before: Shri Sanjay Kumar Khanduja.....President.

Shri Rajender Parshad..... Member.

Present : Shri Ravinder Prashad , Advocate for complainant.  
Opposite parties no.1 to 3 already exparte on 16.3.2023.  
Shri Sunil Kumar, Advocate for opposite party no.4.

ORDER

{ *Per Sanjay Kumar Khanduja ,President* }

This present complaint has been filed by complainant against the opposite parties ( for short the OPs ) under Section 35 of The Consumer Protection Act, 2019 alleging deficiency in services on their part.

Brief facts of the case are as under :-

2. The complainant is aggrieved with the OPs, as his medical treatment expenses of Rs. 31,627/- could not be reimbursed to him by OPs with regard to his hospitalization in City Heart Clinic and Medical Center, Rewari , wherein he remained admitted from 28.10.2022 31.10.2022 for the treatment of Dengue fever with Thrombocytopenia. Claim has been rejected vide repudiation letter on 12.12.2022 giving the flimsy reasons. Hence, this complaint to pay the said bill besides paying him Rs. 50,000/- as compensation for harassment and Rs. 21,000/- litigation expenses.

3. On notice, OPs no.1 to 3 did not appear despite due service effected through registered post and thus they were proceeded against exparte on 16.3.2023.

4. In the reply filed by the OP no.4, the claim of the complainant has been controverted. It is submitted that the claim has been rightly repudiated, as various discrepancies were noted in the medical treatment record of complainant.

5. Both the parties in support of their respective case tendered in documentary evidence their respective affidavits and adduced certain documents. Reference of relevant record shall be given in this order.

6. We have heard both the counsel for the parties and gone through the case file thoroughly and after hearing the rival contentions of both the parties and going through the written arguments of OP no.4, we are of the convinced view that the present complaint has merit and the same deserves acceptance for the reasons mentioned hereinafter.

7. The OPs acted fast and loose in the matter by arbitrarily and illegally repudiating the genuine claim of the complainant . It is an admitted fact that the complainant remained hospitalized in City Heart Hospital during the subsistence of the insurance policy, which was valid from 16.8.2021 to 15.8.2023. The complainant had got a family health insurance policy, which was in existence since 16.8.2019. Ex. C-2 clearly proves the point of the complainant that prior to the hospitalization in the said hospital, he visited the said hospital on 26.10.2022 as an OPD patient , where he was subjected to certain tests and he was tested Dengue positive.

8. However, the repudiation letter dated 12.12.2022, Ex. R -4/

Ex. C-7 nowhere gives any specific reason, as to on what basis the medical reimbursement claim was declined. It is simply stated that upon scrutiny of documents, certain discrepancies and lapses were noted in the hospitalization of the complainant. Therefore, the OPs expressed their inability to approve the claim. The principle of natural justice has universal application. The OPs ought to have behaved transparently and fairly by seeking the explanation from complainant pertaining to the so called discrepancies in the medical treatment record, which course was not followed by the OPs. It clearly reflects the unfair trade practice on the part of OPs in the matter.

9. There is nothing on record to show that the OPs deputed any investigator to verify the genuineness of the hospitalization of the medical treatment of the complainant. From the overwhelming evidence produced by the complainant, it is evident that complainant's hospitalization was not a staged drama.

10. Hence, as an upshot of our above discussion, the present complaint is allowed against opposite parties whereby all of them are jointly and severally liable to pay Rs. 31,627 /-, the medical treatment expenses, to the complainant alongwith interest @ 9 % per annum with yearly rests from the date of filing of this complaint till the expiry of period of 45 days from today, failing which the said amount shall fetch interest @

12% per annum with yearly rests from the date of filing of the complaint till realization. That apart, complainant is also allowed compensation of Rs. 20,000/- on account of mental agony and harassment and Rs. 11,000/- as litigation expenses to be paid to him within the above stipulated period of 45 days from today, failing which the said amounts shall also carry interest @ 9% per annum with yearly rests from the date of filing of the complaint till realization.

11. If the order of this Commission is not complied with, then the complainant shall be entitled to file execution petition under section 71 of Consumer Protection Act, 2019 and in that eventuality, the opposite parties may also be liable for prosecution under Section 72 of the said Act, which envisages punishment of imprisonment, which may extend to three years or fine upto Rs. one lac or with both. Copies of this order be sent to the parties free of costs as per rules and this order be promptly uploaded on the website of this Commission. File be consigned to the record room after due compliance.

Announced  
21.3.2024.

President,  
District  
Consumer Disputes  
Redressal Commission, Rewari.

Member,  
DCDRC, Rewari.

( Nisha Yadav,S/Grapher)