**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT MOGA**

**IN RE: COMPLAINT NO. \_/20**

**IN THE MATTER OF:**

Rajini Gupta,

Scientist, aged 53 years,

W/o Dinesh Kumar,

H. No. 115, Ward No. 6,

Rama Colony, Moga ...Complainant(s)

Versus

Star Health and Allied Insurance Co.,

SCF 12-13, Improvement Trust Market,

Above ICICI Bank, GT Road,

Moga ...Opp.Party(s)

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

1. That the Complainant herein, Ms. Rajini Gupta, W/o Dinesh Kumar, aged about 53 years, is a scientist residing in House No. 115, Ward No. 6, Rama Colony, Moga. The Opposite Party herein, Star Health and Allied Insurance Co., a company registered under the Insurance Regulatory and Development Authority of India, with its registered office in SCF 12-13, Improvement Trust Market, Above ICICI Bank, GT Road, Moga, is engaged in providing insurance services.
2. That the Complainant purchased a Family Health Optima Plan insurance plan from the Opposite Party, Star Health and Allied Insurance Co in Moga in 2021, bearing the Policy No. P/211222/012020/0051. The policy covered medical expenses to the tune of 5,00,000 with a policy period from 8.01.2021 to 7.10.2022.
3. That in May 2022, the Complainant was diagnosed with Pyrexia and was admitted to Sindhu Hospital and was discharged on 26.6.2022. The Complainant incurred medical expenses amounting to 80,000 Rs.
4. That the Complainant raised a customer care complaint with the Opposite Party on 1.7.2022 and the same was closed orally on 8.7.2022. The Complainant also approached the Opposite Party for reimbursement, the claim was rejected by the Opposite Party on the ground that the Complainant could have availed the services of the service provider as an out-patient. However, the Complainant submits that there is no such limitation enunciated under the policy.
5. **CAUSE OF ACTION**: That the rejection of the claim on a ground not contemplated by the policy amounts to deficiency in services. The Complainant has suffered a monetary loss, mental agony and inconvenience due to the refusal to reimburse medical expenses.
6. **EVIDENCE**: That the Complainant attaches herewith the repudiation letter, hospital bills, bills incurred for medicines, and the discharge report as evidence to prove the failure on part of the Opposite to apply their mind while rejecting the claim.
7. **JURISDICTION:** That the Hon’ble District Consumer Disputes Redressal Commission at Moga has pecuniary as well as territorial jurisdiction to conduct an inquiry and adjudicate the present dispute. Since the Complainant is residing in Moga, the said commission has the territorial jurisdiction to hear the case. Further, the consideration is within the pecuniary limit established under the Consumer Protection Act, 2019.
8. **LIMITATION**: That the Cause of Action arose on 17.5.2022 when the claim was incorrectly repudiated. Thus, the cause of action is within the two-year limitation period specified under Section 69 of the Consumer Protection Act, 2019.
9. **COURT FEE:** The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
10. **PRAYER:** The Complainant seeks the following reliefs from this Hon’ble Commission:

A. Direct the Opposite Party to reimburse the medical expenses incurred, which is to the tune of 80,000 Rs.;

B. Direct the Opposite Party to pay compensation to the tune of 50,000 Rs. for the mental agony suffered by the Complainant; and to

C. Grant any other relief that the Hon’ble Commission deems fit.

PLACE: Moga, Punjab  
DATED: SIGNATURE OF THE COMPLAINANT

**VERIFICATION:**

I, Rajini Gupta, W/o Dinesh Kumar, residing in House No. 115, Ward No. 6, Rama Colony, Moga, Punjab, do hereby solemnly affirm and declare that the facts stated above in paras 1 to 10 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**