

Nupur Gupta vs Govt Of Nct Of Delhi And Ors on 18 April, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 4882/2023 & CM APPL. 18870/2023

NUPUR GUPTA

..... Petition

Through: Mr. J.P. Sengh, Sr. Advocate with
Mr. R.L. Sinha, Mr. Nitesh Gupta
Advocates (M- 9999995643)

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respond

Through: Mrs. Avnish Ahlawat along with
Mr. NK Singh, Ms. Laavanya
Kaushik and Ms. Aliza Alam
Advocates for R1 to 3 (M-
9810134741)
Mr. Rohit Puri, Advocate for R5
(M- 9810646822)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 18.04.2023

1. This hearing has been done through hybrid mode.

2. The Petitioner who is a Judicial Officer has approached this Court seeking reimbursement of amount incurred towards her husband's medical expenses. On 13th May, 2021, the Petitioner's husband was shifted to Max Super Speciality Hospital, Saket from Max Super Speciality Hospital, Patparganj for ECMO therapy. The Petitioner's husband unfortunately passed away due to Covid on 28th May, 2021.

3. The case of the Petitioner is that the hospital overcharged beyond what was permissible and prescribed by the Delhi Government Circular. The Petitioner who is entitled to DGEHS reimbursement, approached the Delhi Government for reimbursement. However, the entire reimbursement was not given to the Petitioner. According to the Petitioner, the entire amount is liable to be reimbursed by the Delhi Government in terms of the judgment of this Court in Dinesh Kumar v. Government of NCT of Delhi & Ors., 2022/DHC/005039.

4. Mr. J.P. Sengh, ld. Senior Counsel submits that the said decision is clear to the effect that the reimbursement has to be given to the Petitioner by Respondent Nos. 1 to 3. It is open to them to take the recovery from the hospital.

5. Ms. Aliza Alam, Id. Counsel submits that the said order passed by the Id. Single Judge has not been challenged and has attained finality.

6. In the said judgment, the Court has held as under:

"9. In the light of the aforesaid, I have no hesitation in holding that the respondent nos. 1 to 3 ought to forthwith reimburse the petitioner by paying him the differential amount of Rs.16,93,880/-, and if permissible, recover the same from the respondent no.5. It is however made clear that this Court has not expressed any opinion on the validity of the circular dated 20.06.2020 and therefore, it will be open for the respondent nos. 1 to 3 to pursue its remedy as per law, against respondent no.5, including taking penal action, and recovery of any amount which it perceives has been charged in excess.

10. The writ petition is, accordingly, allowed by directing the respondent nos. 1 to 3 to pay within four weeks the balance amount of Rs. 16,93,880/- as noted in the communication dated 02.05.2022 (Annexure P-

13) issued by the respondent no.3 to the petitioner."

7. The above judgment would be squarely applicable to the facts of this case. Accordingly, Respondents Nos. 1 to 3 are directed to reimburse the remaining amount to the Petitioner within a period of 8 weeks subject to which, no interest shall be paid to the Petitioner.

8. It is made clear that if the said amount is not reimbursed to the Petitioner within 8 weeks, interest at the rate of 6% from the date of the first application for reimbursement shall be payable to the Petitioner.

9. The petition is disposed of in these terms.

10. Needless to add, Respondent Nos. 1 to 3 are free to seek reimbursement from the concerned hospital if it is found that the hospital overcharged the Petitioner in violation of the applicable rules.

PRATHIBA M. SINGH, J.

APRIL 18, 2023 Rahul/am