

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION

NEW DELHI

CONSUMER COMPLAINT NO. DC/79/CC/35/2025

VAIBHAV BHATIA S/o. LATE SHRI VINOD KUMAR BHATIA
PERMANENT ADDRESS - 570 NEAR TELEPHONE EXCHANGE SECTOR 15A ,
FARIDABAD, HARYANA.

.....Complainant(s)

Versus

ICICI LOMBARD GENERAL INSURANCE CO LTD
PERMANENT ADDRESS - MERCANTILE HOUSE 7 FLOOR KG MARG , NEW DELHI, DELHI.
BUSINESS ADDRESS - 414 VEER SAVARKAR MARG NEAR SIDDHIVINAYAK TEMPLE ,
MUMBAI, MAHARASHTRA.
SANJEEV RADHEYSHYAM MANTRI
BUSINESS ADDRESS - 414 VEER SAVARKAR MARG NEAR SIDDHIVINAYAK TEMPLE ,
MUMBAI, MAHARASHTRA.
ALOK KUMAR AGARWAL
BUSINESS ADDRESS - 414 VEER SAVARKAR MARG NEAR SIDDHIVINAYAK TEMPLE ,
MUMBAI, MAHARASHTRA.
GOPAL BALCHANDRAN
BUSINESS ADDRESS - 414 VEER SAVARKAR MARG NEAR SIDDHIVINAYAK TEMPLE ,
MUMBAI, MAHARASHTRA.

.....Opposite Party(s)

BEFORE:

HON'BLE MS. POONAM CHAUDHRY , PRESIDENT
HON'BLE MR. BARIQ AHMAD , MEMBER
HON'BLE MR. SHEKHAR CHANDRA , MEMBER

FOR THE COMPLAINANT:

VAIBHAV BHATIA S/o. LATE SHRI VINOD KUMAR BHATIA

FOR THE OPPOSITE PARTY:

ICICI LOMBARD GENERAL INSURANCE CO LTD
SANJEEV RADHEYSHYAM
MANTRI
ALOK KUMAR AGARWAL
GOPAL BALCHANDRAN

DATED: 04/08/2025

ORDER

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-VI
(NEW DELHI), 'M' BLOCK, 1STFLOOR, VIKAS BHAWAN,
I.P.ESTATE, NEW DELHI-110002.**

CC No. 35 of 2025

Vaibhav Bhatia Vs ICICI Lombard General Insurance Co. Ltd.

04.08.2025

Present: Mr. Shiv Kant Arora with Ms. Himanshi,
Counsel for the Complainant.
Mr. Praveen Kumar Shabi, Counsel for the OP.

ORDER

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Shekhar Chandra, Member:

Shorn of unnecessary details, the facts material for the purpose of disposal of this complaint case may be stated thus:

1. A Comprehensive Insurance Policy was issued by the Opposite Party/(s) (hereinafter referred as 'OP') in favour of Complainant on payment of consideration in respect of motor bike vehicle. The insurance policy was valid for the period 18.10.2023 to midnight of 17.10.2024.
2. Unfortunately on 15.08.2024 the complainant met with an accident.

He sustained severe bodily injury. The insured vehicle was also severally damaged. The damaged bike was sent to BMW Lutyens Motorrad Workshop in Okhla Phase-I, Delhi for repair. The complainant was admitted in the hospital as he was diagnosed with fractured D-11 disc in his spine. The complainant was discharged from the hospital on 17.08.2024. Intimation was sent to the OPs with all documents including estimate of BMW Workshop to process the insurance claim for repair of the motorbike. A Police complaint was also lodged with Police Station Camp, Palwal, Haryana on 18.08.2024.

3. The complainant sent an email to the OPs on 30.08.2024 for his insurance claim which was followed by reminder email dated 31.08.2024
4. On 30.09.2024, the claim of the complainant was repudiated by OPs. A bill dated 09.01.2025 was raised by the workshop towards repair of vehicle amounting to Rs. 6,65,378/-. The complainant made payment to the workshop.
5. A legal notice was served on the OPs by the complainant on 24.01.2025. This notice was also served upon the officials of the OPs.
6. Since the grievances of the complainant could not be resolved, he has filed the present complaint case with the following prayers:-

- a) Direct the Opposite Party to pay/reimburse the

Complainant, the amount of Rs. 6,65,378.00 (Rupees Six Lacs Sixty Five Thousand Three Hundred and Seventy Eight Only) incurred towards payment against Invoice dated 09.10.2025 to BMW Workshop for repair of insured vehicle along with interest @ 18% per annum from 09.01.2025 till actual realization.

- b) Award compensation of Rs. 10,00,000/- (Rupees Ten Lakh Only) to the complainant for mental pain, agony and harassment caused by the Opposite Party.
- c) Grant cost of complaint in favour of the Complainant and against the Opposite Party.
- d) Pass any other order(s) as this Hon'ble Commission any deem fit and proper in the interest of justice.

7. 7. After preliminary hearing of the complaint case, the matter was admitted and notice was issued to the OPs returnable on 23.04.2025. The following order was passed by this Commission on 30.05.2025:-

“Reply filed. Copy supplied.

Counsel for complainant says that he has received a Whatsapppl message form OP stating that claim has been approved. Copy of the same has been filed. Counsel for OP seeks time to verify the same.

Be listed on 07.07.2025 for further proceedings. The concerned official of OP to be present on the date fixed.”

8. 8. Since the message cited by the complainant was an electronic message received on his mobile, the complainant was directed to state so on an affidavit. Accordingly, the complainant has filed an affidavit sworn on 11th July, 2025 stating that he received an electronic message from OP. The relevant paragraph of his affidavit is reproduced below:-

“3. I state that on 08.05.2025 at 23:47 hours, I received an SMS, on my mobile number 9810462229, from the sender ID “VD-ICICIL-S,” the content of which are as follows:

“Repair status: We are happy to share that the repairs for your vehicle no. BMW have been approved for your claim no. MOTI5151444 and estimated repair TAT is approx. 15 days. You can track claim status at”

9. 9 A certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (erstwhile Section 65-B of the Evidence Act, 1872) has also been placed on record.

10. 10. The OPs were served with the copy of complaint and documents on 8th May, 2025. A reply to the complaint was filed on 14th May, 2025. In the reply, the OPs have denied the claim on the ground that the alleged accident occurred due to gross negligence which does not fall under the purview of Insurance as the accident took place on ‘KMP Expressway’ near Manesar, Harayana, where two-wheelers are prohibited according to the KMP Expressway guidelines.

11. 11. A specific query was put to the learned counsel for the OPs as to how the OPs

have denied the claim once they have approved the same for payment as per the SMS sent to the complainant. The OPs do not dispute the contents of SMS sent to the complainant. Since the OPs have already approved the claim, the OPs are now bound to release the payment.

This Commission, therefore, directs the OPs to release/pay Rs. 6,65,378.00 incurred towards repair of insured vehicle, within four weeks from the date of receipt of this order failing which the OPs shall be liable to pay interest over the claim amount @ 7% per annum from the date of filing of the complaint case till realization. A sum of Rs. 50,000/- shall be paid to the complainant towards litigation expenses.

With the aforesaid directions, the complaint case is disposed of. A copy of order be sent to the parties through registered/speed post free of cost. The order be also uploaded on the website of this Commission, promptly.

File be consigned to the record room with a copy of order.

[Poonam Chaudhry]

President

[Bariq Ahmad]

Member

[Shekhar Chandra]

Member

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POONAM CHAUDHRY
PRESIDENT

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HON'BLE MR.BARIQ AHMAD
MEMBER

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HON'BLE MR. SHEKHAR CHANDRA
MEMBER