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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 4010/2021

SUBHASH KHANDELWAL

Through: Ms. Mrinal Kanwar, Advocate (M-9654045061)

Signature Not Verified

Digitally Signed By: DINESH

SINGH NAYAL, Petitioner

Signing Date: 16/04/2021

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versus

MAX BUPA HEALTH INSURANCE COMPANY LIMITED &  
ANR. .... Respondents

Through: None.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **15.04.2021**

1. This hearing has been done through video conferencing.
2. This matter has been taken up today as 14<sup>th</sup> April, 2021 was declared a holiday on account of 'Ambedkar Jayanti'.

**CM APPL. 12094/2021 (for exemption)**

3. Allowed, subject to all just exceptions. Application is disposed of.

**W.P.(C) 4010/2021**

4. The present petition has been filed by the Petitioner, who has an insurance policy from Max Bupa Health Insurance Company Limited. The case of the Petitioner is that he has regularly been paying the insurance premium for the sum assured of Rs.35 lakhs. It is submitted that recently, when he raised a claim with the insurance company in respect of his mental illness, he realised that there is a clause in the policy restricting the sum assured to Rs.50,000/-, with a few conditions, in case of mental illnesses.
5. An advance copy of the petition has already been served upon the Respondent. Ld. counsel for the Petitioner submits that the Respondent has,

in fact, acknowledged service of the petition through email. However, none appears for the Respondents.

6. Ms. Mrinal Kanwar, Id. Counsel appearing for the Petitioner submits that if one peruses the conditions imposed in fine print, almost all the prevalent mental conditions, such as *Severe Depression, Schizophrenia, Bipolar Disorder, Post traumatic stress disorder, Eating disorder, Generalized anxiety disorder, Obsessive compulsive disorders, Panic disorders, Personality disorders, Conversion disorders, Dissociative disorders*, are restricted to a sum assured of Rs.50,000/-. This, according to her, is contrary to the provisions of The Mental Healthcare Act, 2017 (*hereinafter, "Act"*). Id. counsel relies upon Section 21(4) of the Act, which reads as under:

*"Section 21 . Right to equality and non-discrimination -*

*xxx*

*(4) Every insurer shall make provision for medical insurance for treatment of mental illness on the same basis as is available for treatment of physical illness."*

7. A perusal of the above provision shows that there can be no discrimination between mental illnesses and physical illnesses and the insurance provided in respect thereof. The clauses pointed out in the policy clearly show that a large number of mental conditions are excluded from full coverage of the policy and only a sum of Rs.50,000/- is reimbursable for these mental conditions. This matter requires consideration, inasmuch as the Insurance Regulatory and Development Authority of India ought to place on record the basis on which approval has been granted for such insurance policies.

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8. Issue notice to Respondent Nos.1 and 2.
9. Since a large number of insured persons would be affected by such an insurance policy, the counter affidavit shall be placed on record within two weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.
10. List on 2<sup>nd</sup> June, 2021.

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**PRATHIBA M. SINGH, J.**

**APRIL 15, 2021/dk/T**