

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION : AT NALGONDA :**

PRESENT: SRI MAMIDI CHRISTOPHER,
PRESIDENT,

SMT.S.SANDHYA RANI,
FEMALE MEMBER.

SRI K.VENKATESHWARLU,
MALE MEMBER.

. . .
WEDNESDAY, THE TWELFTH DAY OF JUNE, 2024

CONSUMER COMPLAINT No. 69 OF 2022

Between:

1. Perampally Nagamma W/o Nagaiah, Age: 52 years, Occ: Coolie,
2. Perampally Nagaiah S/o Sundaraiah, Age: 59 years, Occ: Coolie,
Both are R/o Amangal Village, Vemulapally Mandal,
Nalgonda District.

...COMPLAINANTS.

AND

The Regional Manager, The United India Insurance Co.Ltd.,
West Wing, H.No.1-7-241/11, 3rd Floor, Ramalaya Building,
S.D.Road, Secunderabad-500003.

...OPPOSITE PARTY.

This complaint coming on before us for final hearing, in the presence of Smt.V.Aparna, Advocate for the Complainant, and Sri K.Yadaiah, Advocate for the Opposite Party, and on perusing the material papers on record, and having stood over for consideration till this day, the Commission passed the following:

ORDER

BY SMT.S.SANDHYA RANI, FEMALE MEMBER

1. The Complainant filed this complaint Under Section 35 of Consumer Protection Act, 2019 to direct the Opposite Party to pay the life assured sum of Rs.5,00,000/- along with interest @ 24% from the date of death of the deceased, i.e. 11/06/2020 till realization, Rs.2,00,000/- towards mental agony and Rs.30,000/- towards legal expenses.

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2. The facts leading to the filing of this complaint are as follows:

The Complainant No.1 is the mother and nominee of her son Perampally Saidulu, who was the member of Telangana Transport Drivers and Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015. The Labour Department, Telangana State Government provided Group Personal Accident Policy to Telangana Transport and Non-Transport Auto Drivers, vide Master Group Policy No.5005004219P115029289, valid from 18/12/2019 to 17/12/2020. The Opposite Party assured a sum of Rs.5,00,000/- to each Transport Driver and Non-Transport Auto Driver. The Complainants' son worked at B.Srinivasulu, Electrical Engineering Works Company, JC Bhavan, Miryalguda as a Driver, he came to Jalapur Village of Balkonda Mandal on Machine Bhageeratha work under the supervision of Prabhakar, the contractor Obul Reddyf and stayed there. On 05/06/2020 at about 11-00 p.m., the Complainant No.1 received information over phone from the supervisor Ganji Prabhakar that on the same day at 6.30 p.m., her son along with co-workers while attending 630 KV transformer oil filtration works near Machine Bhageeratha entered house at Jalapur Village shivar, as it was dark, due to night hours, her son took the light from the generator and while putting it on the phone near 11 KV line, in the meanwhile her son strucked by a current shock resulting her son got burnt and received severe injuries. Her son was shifted to Government Hospital, Balkonda from M.G.Hospital, Armour from there her son was shifted to Osmania General Hospital for treatment. On 11/06/2020 the Complainants' son died while undergoing treatment. Basing on the complaint, Police Balkonda registered a case in Cr.No.46/2020 U/s 337 IPC and later it was altered to U/s 304-A IPC. And took up the investigation.

3. Due to sudden and untimely death of the deceased Perampally Saidulu, the Complainants were in deep shock and the Complainant No.1's health condition was badly affected. After recovery from ill health, the Complainant No.1 approached the over

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phone and submitted the claim on 09/05/2022 with all required documents for settlement, but the Complainant No.1 received a letter, dated 22/06/2022 from the Opposite Party, stating that the claim of the Complainant No.1 was repudiated on the ground that the Complainant No.1 failed to submit their claim within the stipulated period of 30 days from the date of accident. As such, there was a delay of 700 days and the same was rejected. The Complainant No.1 submitted that due to pandemic Covid-19 concerned documents were not available and due to lock down the Complainant No.1 could not submit the documents to the Opposite Party within the stipulated period.

4. The Complainant No.1 approached Opposite Party several times to settle the claim, but there was no response. Hence, there was gross negligent acts committed by the Opposite Party and the Complainants suffered irreparable loss. As the Opposite Party failed to render proper service, there is deficiency of service on the part of Opposite Party. Hence, the complaint.

5. The Opposite Party filed written version, denying all the averments of the complaint. The Opposite Party contended that the Opposite Party issued Policy, vide No.5005004219P115029289 in favour of Commissioner of Transport Department, Telangana, Hyderabad, valid from 18/12/2019 to 17/12/2020 subject to terms and conditions, limitations and definitions etc. The Opposite Party contended that the Complainants have not impleaded the Commissioner of Transport Department and M/s Shield Insurance Broking Services Pvt.Ltd. as necessary parties to the complaint, as such the complaint is not maintainable. The Opposite Party stated that as per the condition No.1 of the policy, the intimation about the accident is to be given within one month after the death, i.e. upon happening of any event which may give rise to claim under this policy written notice with full particulars was to be given to the company immediately. In case of death written notice also after the death must, unless reasonable cause is shown be so given before interment, cremation and in any

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case within one calendar month after the death. As per the Insurance Act, after receipt of the intimation about the claim, the insurance company appoints investigator or surveyor of IRDA to investigate into the matter and also verification of the documents. Opposite Party contended that in the present case the intimation about the death of Perampally Saidulu was received on 24/05/2022 from the first Complainant without proper channel, whereas the accident occurred on 05/06/2020 and died on 11/06/2020, i.e. after 17 months from the date of accident. Therefore, it is a violation of policy conditions. The Opposite Party sent e-mail on 05/02/2021 to the Commissioner of Transport Department and Shield Insurance Broking Services Pvt.Ltd. and other concern stating that all the claims under the policy to be submitted on or before 10/0-2/2021 for settlement of the claim subject to policy conditions. The Opposite Party sent a letter, dated 22/06/2022 to the Commissioner of Transport Department, Hyderabad to state that the claim of the deceased Perampally Saidulu was repudiated on the ground that the intimation of death of the deceased was given after 17 months from the date of accident which is an inordinate delay, as such there is no deficiency in service on the part of the Opposite Party. As such, the Complainants are not entitled for any compensation from the Opposite Party as claimed in the complaint.

6. The Complainants have to submit Legal Heir Certificate to show that they are the parents of the deceased Perampally Saidulu and that Opposite Party is not aware whether deceased Perampally Saidulu died due to electrical shock as stated by the Complainants in the complaint. As such, there is no cause of action and no deficiency in service on the part of the Opposite Party. Hence, the complaint is liable to be dismissed.

7. The Complainant No.1 filed her proof affidavit and marked Exs.A-1 and A-10. The Opposite Party filed his affidavit and marked Exs.B-1 to B-3. The Opposite Party filed Written Arguments.

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8. The points for consideration are:
- 1) Whether there was deficiency in service on the part of the Opposite Party?
 - 2) Whether the Complainant is entitled for the claims as prayed for?
 - 3) If so, to what extent?

9. POINT No.1:

The Complainant No.1 is the mother and nominee of her son Perampally Saidulu, who was the member of Telangana Transport Drivers and Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015. The Telangana State Government provided Group Personal Accident Policy to Telangana Transport and Non-Transport Auto Drivers, vide Master Group Policy No.5005004219P115029289, valid from 18/12/2019 to 17/12/2020. The Opposite Party assured a sum of Rs.5,00,000/- to each Transport Driver and Non-Transport Auto Driver. The Complainants' son worked at B.Srinivasulu, Electrical Engineering Works Company, JC Bhavan, Miryalguda as a Driver, he came to Jalapur Village of Balkonda Mandal on Machine Bhageeratha work under the supervision of Prabhakar, the contractor Obul Reddyf and stayed there. Ex.A-3 is the Driving Licence. On 05/06/2020 at about 11-00 p.m., the Complainant No.1 received information over phone from the supervisor Ganji Prabhakar that on the same day at 6.30 p.m., her son along with co-workers while attending 630 KV transformer oil filtration works near Machine Bhageeratha entered house at Jalapur Village shivar, as it was dark, due to night hours, her son took the light from the generator and while putting it on the phone near 11 KV line, in the meanwhile her son strucked by a current shock resulting her son got burnt and received severe injuries. Her son was shifted to Government Hospital, Balkonda from M.G.Hospital, Armour from there her son was shifted to Osmania General Hospital for treatment. On 11/06/2020 the Complainants' son died while undergoing treatment. Ex.A-4 is the Death Certificate. Ex.A-7 is the PME Report. Ex.A-8 is the Inquest Report. Basing on the complaint,

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Police Balkonda registered a case in Cr.No.46/2020 U/s 337 IPC and later it was altered to U/s 304-A IPC. And took up the investigation. Ex.A-6 is the F.I.R. along with complaint. Ex.A-9 is the Chargesheet. Ex.A-5 is the Xerox copies of Aadhar Cards of the Complainants No.1 and 2. Ex.A-10 is the Family Members Certificate.

10. Due to sudden and untimely death of the deceased Perampally Saidulu, the Complainants were in deep shock and the Complainant No.1's health condition was badly affected. After recovery from ill health, the Complainant No.1 approached the over phone and submitted the claim, vide Ex.A-1 on 19/05/2022 with all required documents for settlement, but the Complainant No.1 received a letter, dated 22/06/2022 from the Opposite Party, stating that the claim of the Complainant No.1 was repudiated on the ground that the Complainant No.1 failed to submit their claim within the stipulated period of 30 days from the date of accident. Ex.A-2 is the repudiation letter. As such, there was a delay of 700 days and the same was rejected. The Complainant No.1 submitted that due to pandemic Covid-19 concerned documents were not available and due to lock down the Complainant No.1 could not submit the documents to the Opposite Party within the stipulated period.

11. The Opposite Party contended that the Opposite Party issued Policy, vide No.5005004219P115029289 in favour of Commissioner of Transport Department, Telangana, Hyderabad, valid from 18/12/2019 to 17/12/2020 subject to terms and conditions, limitations and definitions etc. Ex.B-1 is the Policy along with terms and conditions. The Opposite Party contended that the Complainants have not impleaded the Commissioner of Transport Department and M/s Shield Insurance Broking Services Pvt.Ltd. as necessary parties to the complaint, as such the complaint is not maintainable. The Opposite Party stated that as per the condition No.1 of the policy, the intimation about the accident is to be given within one month after the death, i.e. upon

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happening of any event which may give rise to claim under this policy written notice with full particulars was to be given to the company immediately. In case of death written notice also after the death must, unless reasonable cause is shown be so given before interment, cremation and in any case within one calendar month after the death. As per the Insurance Act, after receipt of the intimation about the claim, the insurance company appoints investigator or surveyor of IRDA to investigate into the matter and also verification of the documents. Opposite Party contended that in the present case the intimation about the death of Perampally Saidulu was received on 24/05/2022 from the first Complainant without proper channel, whereas the accident occurred on 05/06/2020 and died on 11/06/2020, i.e. after 17 months from the date of accident. Therefore, it is a violation of policy conditions. The Opposite Party sent e-mail, vide Ex.B-2 on 05/02/2021 to the Commissioner of Transport Department and Shield Insurance Broking Services Pvt.Ltd. and other concern stating that all the claims under the policy to be submitted on or before 10/02/2021 for settlement of the claim subject to policy conditions. The Opposite Party sent a letter, vide Ex.B-3, dated 22/06/2022 to the Commissioner of Transport Department, Hyderabad to state that the claim of the deceased Perampally Saidulu was repudiated on the ground that the intimation of death of the deceased was given after 17 months from the date of accident which is an inordinate delay.

12. The Complainant No.1 is the mother and nominee of her son Perampally Saidulu, who was the member of Telangana Transport Drivers and Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015. The Telangana State Government provided Group Personal Accident Policy to Telangana Transport and Non-Transport Auto Drivers, vide Master Group Policy No.5005004219P115029289, valid from 18/12/2019 to 17/12/2020. The Opposite Party assured a sum of Rs.5,00,000/- to each Transport Driver and Non-Transport Auto Driver. The deceased worked at B.Srinivasulu, Electrical Engineering Works

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Company, JC Bhavan, Miryalguda as a Driver, he came to Jalapur Village of Balkonda Mandal on Machine Bhageeratha work under the supervision of Prabhakar, the contractor Obul Reddy. On 05/06/2020 at about 11-00 p.m., the Complainant No.1 received information over phone from the supervisor Ganji Prabhakar that on the same day at 6.30 p.m., her son along with co-workers while attending 630 KV transformer oil filtration works near Machine Bhageeratha entered house at Jalapur Village shivar, as it was dark, due to night hours, her son took the light from the generator and while putting it on the phone near 11 KV line, in the meanwhile her son strucked by a current shock resulting her son got burnt and received severe injuries. Her son was shifted to Government Hospital, Balkonda from M.G.Hospital, Armour from there her son was shifted to Osmania General Hospital for treatment. On 11/06/2020 the Complainants' son died while undergoing treatment. Basing on the complaint, Police Balkonda registered a case in Cr.No.46/2020 U/s 337 IPC and later it was altered to U/s 304-A IPC. and took up the investigation.

13. After recovery from ill health, the Complainant No.1 approached the Opposite Party over phone and submitted the claim on 19/05/2022 with all required documents for settlement, but the Complainant No.1 received a letter, dated 22/06/2022 from the Opposite Party, stating that the claim of the Complainant No.1 was repudiated on the ground that the Complainant No.1 failed to submit their claim within the stipulated period of 30 days from the date of accident. As such, there was a delay of 700 days in submitting the claim application. The Complainant No.1 submitted that due to pandemic Covid-19 concerned documents were not available and due to lock down the Complainant No.1 could not submit the documents to the Opposite Party within the stipulated period.

14. The Opposite Party repudiated the genuine claim of the Complainant, there is deficiency in service on the part of Opposite Party for repudiating the claim of the Complainants for the reason

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that there was delay of 700 days in submitting the claim to the Opposite Party. The Complainant No.1 submitted that she was in shock and bedridden due to sudden and untimely death of her son Perampally Saidulu and due to Covid-19 pandemic situation she could not submit the relevant documents to the Opposite Party within the stipulated period.

15. The Complainants submitted the claim intimation to the Opposite Party to claim the policy amount of Rs.5,00,000/- under Telangana Telangana Transport Drivers and Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015. As per IRDA Circular, the genuine claim of the Complainants cannot be rejected on the ground of delay in intimation. The Complainant No.1 submitted all the necessary documents, i.e. FIR, PME Report regarding the cause of death as the deceased Perampally Saidulu died due to electric burns. The Complainants submitted Family Members Certificate, vide Ex.A-10 which shows that Complainants No.1 and 2 are the parents of the deceased Perampally Saidulu. The Complainants also submitted the Driving Licence of the deceased which is valid on the date of accident and the policy was also in force at the time of accident. The Opposite Party submitted that as per the Policy Ex.B-1 only transport drivers, non-transport auto-drivers are eligible for the policy amount. On perusing the Ex.A-3 which is the driving licence of the deceased Perampally Saidulu issued by Govt.of Telangana, the deceased is eligible to drive Autorickshaw, Transport Motorcab, Transport Vehicles etc. As per Ex.A-9, i.e. Chargesheet, it is revealed in the police investigation that the deceased was working as driver with one V.Srinivasulu, Electrical Engineer Works Company, JC Bhavan, Miryalguda, which shows that the deceased was working as driver at the time of incident and he got electrocuted. As per Ex.A-7 the deceased died due to electric burns in the course of his employment as driver. Hence, the Complainants are entitled for the policy amount from the Opposite Party. But, the Opposite Party had illegally repudiated the genuine claim of the Complainants on the reason of delay of

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intimation. The Opposite Party failed to render proper service by not paying the claim amount to the Complainants. Hence, there is deficiency in service on the part of Opposite Party in not paying the claim amount to the Complainants under the transport drivers and non-transport auto drivers Social Security Scheme.

16. In a decision reported in IV (2018) CPJ 478 (NC) between National Insurance Co.Ltd. Vs. Hukam Bai Meena and others, the Hon'ble National Commission observed that: Insurance – Death Claim – Delay in intimation alleged – Claim repudiated – Genuine claim is not to be rejected by insurer only on account of delay in its submission – Insurer is required to enquire from Claimant as to what was reason of delay in submission of claim – This is not a case of Petitioner that husband of Complainant had not died in an accident or that he was not a depositor with Sahara India Commercial Corporation – Order is based on IRDA Circular. The said citation is applicable to the present facts of the complaint, as such the Opposite Party is liable to pay the claim amount assured under the Telangana Transport Driver, Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015.

17. POINT Nos.2 & 3:

In the light of the findings under Point No.1, the Complainants are entitled for an amount of Rs.5,00,000/- towards sum assured on account of death of the deceased due to electric burns, who is the Member and covered under Telangana Transport Drivers, non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015.

In the result, the complaint is allowed in part, directing the Opposite Party to pay to the Complainants, an amount of Rs.5,00,000/- (Rupees Five Lakhs only) towards claim amount covered under Telangana Transport Drivers, Non-Transport Auto Drivers, Homeguards and Journalists Social Security Scheme, 2015 with interest at the rate of 9% p.a. from the date of filing of

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the complaint, i.e. 14/10/2022 till realization, Rs.30,000/- (Rupees Thirty Thousand only) towards compensation for mental agony and Rs.10,000/- (Rupees Ten Thousand only) towards costs, within forty five days from the date of receipt of this order. The above said awarded amount, i.e. policy sum assured amount, interest, compensation and costs are to be equally apportioned between the Complainants No.1 and 2.

Dictated to Steno-Typist, transcribed by him, corrected and pronounced by us in the open Commission on this 12th day of June, 2024.

FEMALE MEMBER

MALE MEMBER

PRESIDENT

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Complainants:

Affidavit of the Complainant No.1.

For Opposite Party:

Affidavit of Opposite Party.

EXHIBITS MARKED

For Complainant:

Ex.A-1	Dt.19/05/2022	Copy of letter addressed by Complainant No.1 to the Opposite Party.
Ex.A-2	Dt.22/06/2022	Xerox copy of Repudiation Letter, issued by the Opposite Party.
Ex.A-3	Dt.04/11/2015	Xerox copy of Driving Licence of the deceased Perampally Saidulu.
Ex.A-4	Dt.26/07/2022	Original Death Certificate of the deceased Perampally Saidulu.
Ex.A-5	--	Xerox copies of Aadhar Cards of the Complainants.
Ex.A-6	Dt.11/06/2020	Xerox copy of F.I.R. in Cr.No.46/20 of PS.Balkonda along with complaint.
Ex.A-7	Dt.12/06/2020	Xerox copy of P.M.E. Report.
Ex.A-8	Dt.12/06/2020	Xerox copy of Inquest Report.
Ex.A-9	Dt.31/10/2020	Xerox copy of Chargesheet.
Ex.A-10	Dt.16/07/2022	Original Family Members Certificate.

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For Opposite Party:

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| Ex.B-1 | Dt.18/12/2019 | Attested copy of Insurance Policy along with terms and conditions. |
| Ex.B-2 | Dt.05/02/2021 | Attested copies of E-mails. |
| Ex.B-3 | Dt.22/06/2022 | Attested copy of Repudiation Letter, issued by the Opposite Party. |

PRESIDENT
DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION,
NALGONDA