

**PROCEEDINGS BEFORE
THE INSURANCE OMBUDSMAN, STATE OF WEST BENGAL, SIKKIM, A&N ISLANDS
(UNDER RULE NO: 16(1)/17 of THE INSURANCE OMBUDSMAN RULES, 2017)
OMBUDSMAN – SHRI K.B. SAHA**

CASE OF: MS. TANIMA SAHA ROY VS LIFE INSURANCE CORPORATION OF INDIA

**COMPLAINT REF NO: KOL-L-029-1718-0620
AWARD NO: IO / KOL / A / LI / 0200 / 2018-2019**

1.	Name & Address of the Complainant	MS. TANIMA SAHA ROY Bengal Ambuja Upohar Condoville, 2052, Chak Garia, Nayabad, Flat -2/1301, Kolkata 700045 (Mob : 9831580129)
2.	Policy No: Type of Policy/Duration//Period	421755362 AS PER TABLE BELOW
3.	Name of the insured Name of the policyholder	Ms. Tanima Saha Roy ----- DO-----
4.	Name & address of the insurer	LIC OF INDIA, KSDO
5.	Date of Repudiation	-----
6.	Reason for repudiation	-----
7.	Date of receipt of the Complaint	07.07.17
8.	Nature of complaint	DELAY IN SETTLEMENT OF SB CLAIM
9.	Amount of Claim	Rs 9173/-
10.	Date of Partial Settlement	NA
11.	Amount of relief sought	10,000/-
12.	Complaint registered under Rule IOR 2017	13(1) (E)
13.	Date of hearing/place	22/02/2019 at KOLKATA
14.	Representation at the hearing	
	For the Complainant	Ms Tanima Saha Roy
	For the insurer	Mr Subrata Mitra
15.	Complaint how disposed	BY CONDUCTING HEARING
16.	Date of Award/Order	04-03-2019

17 Brief Facts of the Case

Pol No	D.O.C.	NAME	P/T/PPT	S.A.	Prem (Qly)
421755362	14.11.1998	Tanima Saha Roy	75/20/20	Rs 50,000	Rs 809/-

The complainant has alleged that:-

- 1) The Insurer has not paid survival benefit (SB) claim due on 14.11.2003.
- 2) The claimant had stated that the SB payment made by the insurer through cheque got stale, and there after no fresh payment was made .
- 3) That in spite of long persuasion with the Branch office of the insurer no result could be achieved.

18 Cause of complaint : Non payment of SB claim

A) Complainant's argument : Already explained in Point No. 17.

B) Insurers' argument : From the SCN sent by the insurer it is revealed that:-

- 1) The S/B payment made to the claimant amounting to Rs 9773/- vide Chq n 550281 dt 29.11.2003 was returned undelivered and afterwards got stale.
- 2) Subsequently the fresh payment was also made vide chq no. 579363 dt. 12.03.2004 and the same was encashed on 15.04.2004 which is substantiated by submitting system generated statement.
- 3) As such, the insurer had requested that the complainant may be advised to verify her bank accounts and the complaint may be dismissed.

19) Reason for Registration of Complaint: Scope of The Insurance Ombudsman rules, 2017 under section 13 (1) (e).

20) The following documents were placed for perusal:

- a) Annexure – VI-A, b) complain letter c) SCN d) Relevant computer records of insurer

21) Result of hearing with both parties (Observations & Conclusion)

Both parties attended the hearing.

The complainant submitted that she was initially not aware that SB payments had been made in respect of her policy in the year 2003 and that she came to know the matter only when she visited the branch office of the insurer to revive her policy as the same had got lapsed due to non-payment of premiums.

The insurer's representatives repeated what they had already stated in their SCN. They also submitted that unless the insurer receives request from the policyholder for issue of fresh cheque against a stale cheque issued to him/her along with relevant documents, no fresh cheque is issued for SB payment. The representatives of the insurer further submitted that in this case a new/fresh cheque was issued against the stale cheque which confirms the fact that the policyholder was aware of the SB payment made in the year 2003 and that she had also applied for fresh cheque and had encashed the cheque issued to her in the second time on 15-04-2004.

The complainant stated that she would need to check the entries in her bank pass book pertaining to that period as she was working with the newspaper The Times of India at that time and was having a single bank account.

The representatives of the insurer stated that as per their digitised computer records the SB amount was paid to the complainant through a fresh cheque for Rs 9173 after deducting one quarterly premium of Rs 809 and corresponding late fee from the total SB amount of Rs 10,000. They also stated that due to a devastating fire at the concerned branch office (Lake Town) of the insurer they were unable to produce physical documentary evidence of fresh cheque application made by the complainant.

AWARD

Taking into account the facts & circumstances of the case and the submissions made by both the parties during the course of hearing and after going through the documents submitted it is observed that the complainant had submitted written complain to the Chief Manager of the concerned branch office of the insurer on 10/09/2014. Therein she

has herself admitted that the cheque was returned to LIC due to change in her address. It is also observed that the complainant has already received all the subsequent SB payments as well as maturity payment after submission of original policy bond to the insurer in respect of the policy in this instant case. This implies that the policyholder had indeed received the SB payment for the due 2003 as it was the practise of the insurer to return the policy bond to the policyholder along with the SB cheque after making payment of the same.

Thus, prima facie, it appears that the insurer had made the payment of SB for the year 2003 to the complainant. As such the case is dismissed without any relief to the complainant.

The complaint is therefore disposed of.

The attention of the Complainant and the Insurer is hereby invited to the following provisions of Redressal of the Insurance Ombudsman Rules, 2017

As per Rule 17(6) of the said rules the Insurer shall comply with the Award within 30 days of the receipt of the award and shall intimate the compliance to the Ombudsman.

Dated at Kolkata on 4th day of March' 2019.

S/d
INSURANCE OMBUDSMAN
FOR THE STATE OF WEST BENGAL, SIKKIM and A&N ISLANDS

Copy to :

- 1) Complainant : Ms. TANIMA SAHA ROY
- 2) Company : LIC OF INDIA, KSDO

Certified true Copy

Deputy Secretary & Centre-in-charge