

Date of Filing: 10.04.2023  
Date of Order: 04.10.2023

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL  
COMMISSION-III,  
At HYDERABAD.

Present

SRI. M. RAM GOPAL REDDY, PRESIDENT  
SMT. J. SHYAMALA, MEMBER  
SRI R. NARAYAN REDDY, MEMBER

Wednesday, the 4<sup>th</sup> day of October, 2023

**C.C. No 42 of 2023**

Between:

Smt. Bommi Reddy Sunanda Reddy,  
W/o. Late Bommi Reddy Mruthyunjaya Reddy,  
Age 75 Years, Occ: Housewife,  
R/o. H.No.5-85-53A, Nandi Hills, Rayadurgam,  
Road No.51, Jubilee Hills,  
Hyderabad – 500023.

....Complainant

AND

The Managing Director,  
Continental Hospitals,  
Plot No.3, Road Number -2,  
Financial District, Gachibowli,  
Nanakramguda, Telangana – 500032.

.... Opposite party

Counsel for the complainant : Sri Ch. Janardhan Reddy,  
Advocate  
Counsel for the opposite Party : Remained Absent.

**ORDER**

**(PER HON'BLE SRI M.RAMGOPAL REDDY, PRESIDENT ON BEHALF  
OF THE BENCH)**

This complaint is filed by the complainant under Section 35 of Consumer Protection Act, 2019, praying to this commission to direct the Opposite Party :

1. To refund an amount of Rs.44,00,000/- along with interest @ 12% per annum to the complainant.
2. To award a sum of Rs.5,00,000/- for suffering Mental agony and shock along with the interest @ 12% p.a., to the complainant.
3. To award the cost of the complainant and to pass such other relief or reliefs as this Hon'ble Commission may deem fit and proper circumstances of the case.

**Brief Facts of the Case:**

1. The Complainant's husband was admitted on 13.08.2021 for Corona and sought medical treatment of Continental Hospital, at Gachibowli, Nanakramguda. At that time, he was not much serious, after admission

his life has been made miserable, complicated by unnecessary procedures by giving chemicals / medicines of Rs.15, 61,805/- consumables for a total amount of Rs.27,36,759/- for a period of 36 days inspite of the said treatment he succumbed to death on date 18.09.2021 and the opposite party promised that, he would come back home with safe and good health. After 15 days of hospitalization of the complainant husband, the complainant came to know that, the treatment given to complainant's husband only for a case study, made experiment by giving different chemicals / medicines though it was not necessary and finally taken the life of complainant's husband. To the utter shock of the complainant, the hospital authorities are given an invoice of Rs.64,93,694/- though she opted for Telangana State Government Protocol Treatment which the cost is not more than Rs.4,00,000/- only, but surprisingly they given a bill of Rs.64,93,694/- which is highly excessive and no hospital shall not charge for giving the Corona Treatment and she further states that, she cried for giving such a huge bill, thereafter a second bill of Rs.48,00,000/- from first bill i.e., reducing a sum of Rs.16,93,694/- and given a final bill of Rs.48,00,000/- and they have not handed over dead body of complainant's husband till payment of entire amount of Rs.48,00,000/-. The amount charged by the opposite party of Rs.48, 00,000/- for corona treatment to the husband of the complainant is completely contrary to the Telangana State Government for Corona Protocol Treatment and the same has been brought to the notice of the District Medical and Health Officer, R.R. District, by letter dated 10.01.2020 and also 17.10.2022, 21.12.2022 requesting to take action against the opposite party for charging of excess amount. *The opposite party issued the reply notice to the Legal Notice dt.05.02.2023, by threatening the complainant to withdraw the notice, issued by the complainant otherwise the opposite party will initiate the legal action against the complainant and further stating that the amount charged by the opposite party as per the Government of Telangana Health and Medical and Family Welfare (D) Department, vide GO.Rt.No.401 dt.22.06.2021 and the complainant is not entitle any refund of amount and the opposite party is not having any liability to refund the amount. Infact, the opposite party charged against the rules framed by the Government. As such the opposite party liable to return the amount of Rs.44, 00,000/- along with interest @ 12% p.a., and Rs.5, 00,000/- for suffering the mental agony. Hence, this complaint.*

2. Despite receipt of notice by the Opposite Party (on 12.06.2023 as per track report) failed to appear and on non-appearance and non-filing of

written version within stipulated period, the right of filing written version of the Opposite Party was forfeited on 12.07.2023 at 3-00 PM.

3. During the course of trial, the complainant filed evidence affidavit examined as PW1 and got marked Exs.A1 to A5 and written arguments filed by the complainant. No representation from the Opposite Party and as already right of filing written version of the Opposite Party was forfeited, as such the matter was reserved for orders. Heard the complainant.

4. After perusal of pleadings, the following points are raised for consideration:

1. Whether there is any deficiency in service on the part of the Opposite Party?
2. Whether the complainant is entitled for the reliefs prayed for?
3. To what extent?

5. **POINT Nos.1 & 2:** Heard the counsel for complainant. The case of the complainant is that, the husband of the complainant has admitted in the Opposite Party hospital on 13.08.2021 for corona (COVID-19) treatment. The main grievance of the complainant is that, they are not found any deficiency of service of the part of the opposite party while treating husband of the complainant with best efforts by the opposite party. The husband of the complainant is not recalled and subsequent and succumbed the main grievance of the complainant is that the opposite party has raised high handedly a bill an amount of Rs.64,93,694/- which is part and parcel of the Ex. A1 Discharge Summary along with bill. With great difficulty to pursued the opposite party to come down a final bill of Rs.48,00,000/- the same was paid by the complainant at the time of handing over the dead body of the husband of the complainant. And subsequently, on 10.01.2022 as per Ex.A2 she requested to the opposite party to refund an amount of Rs.44,00,000/- after deducting Rs.4,00,000/- i.e., the admissible amount as per the GO.Rt.No.248 dated 15.06.2020, issued by the Government of Telangana, which very categorically fixed the rates for treatment of Covid patients in all are comes only Rs.4,00,000/-. She requested to refund of Rs.44,00,000/-. She got issued a legal notice which is marked as Ex.A3 the same was served by the opposite party, they given reply which is Ex.A5 denying the all allegations in the legal notice.

6. We are carefully observed that, the final bill raised by the opposite party after discount is fixed round of final amount of Rs.45,00,000/- and out of that the opposite party entitled Rs.4,00,000/- as per the GO.Rt.No.248 dated 15.06.2020 and also entitled deduction of heading

Nephrology amount of Rs.8,56,614/- balance amount of Rs.35,43,386/- payable to the complainant. The non-refundable amount excess collected by the opposite party which amounts to not only deficiency in service but also attract unfair trade practice and the same is liable to refund along with interest @ 12% from the date of payment 18.09.2021 till the date of realization along with compensation of Rs.1,00,000/- and also punitive damages of Rs.50,000/- is payable to Consumer Legal Aid Account and costs of Rs.10,000/-. Accordingly, these points are answered in favour of the complainant against the opposite party.

**7. POINT No 3:** In the result, the complaint is allowed in part directing the opposite party :

- a) To Pay Rs.35,43,386/-(Rupees Thirty five Lakhs Forty-three Thousand three hundred and eighty-six only) along with interest @ 12% from the date of payment 18.09.2021 till the date of realization.
- b) To pay Rs.50,000/- (Rupees Fifty thousand only) towards compensation.
- c) To pay punitive damages of Rs.25,000/- (Rupees Twenty five thousands only) to Consumer Legal Aid Account.
- d) Rs.10,000/- (Rupees Ten Thousand only) towards costs to the complainant.

Time for compliance is 45 days from the date of receipt of this order.

Typed to my dictation and pronounced in the Open court on this the 4<sup>th</sup> day of Octoberber' 2023.

Sd/-  
MEMBER

Sd/-  
MEMBER

Sd/-  
PRESIDENT

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

**For Complainant:**

PW1 - Smt. Bommi Reddy Sunanda Reddy.

**For Opposite Party:**

DW1 : -----

**DOCUMENTS MARKED**

**For complainant:**

Ex.A1: is the copy of Cash bill along with death summary, dt.18.09.2021.

Ex.A2: is the original Letters, dts.10.01.2022.

Ex.A3: is the copy of Legal Notice, dt.05.02.2023.

Ex.A4: is the original Postal Acknowledgment and postal receipts.

Ex.A5: is the original Reply Notice, dt.10.02.2023.

**For Opposite Party:**

Nil.

Sd/-  
MEMBER

Sd/-  
MEMBER

Sd/-  
PRESIDENT