

CONSUMER FORUMS CAN TAKE UP CONTENTIOUS MEDICLAIM POLICIES

Sir, My wife, sons and myself are covered by a mediclaim policy of the United India Insurance Company taken by my employer, LIC, Maddur Branch. Durning October 1996, my wife who is an asthmatic patient was admitted to the Manipal Hospital in Bangalore for treatment. I submitted the relevant papers to UIICO for refund of medical expenses of Rs 64,000. They have been rejected on the grounds that the disease was already existing. Kindly clarify whether I can approach the consumer forum at Mandya or Mysore or the State Commission at Bangalore. Is the complaint time-barred?

DAVID JOHN

Maddur

In almost all complaints relating to mediclaim policies, the insurers have rejected the claim on the ground that the disease/ailment pre-exists. Since this is mentioned as an exclusion in the policy terms, the insured cannot claim compensation.

In your case, if you are able to prove that the disease was not existing on the date of taking policy, you can approach the consumer forums. You can file a complaint either at Mandya or Mysore district forums since UIICO has branch offices in these places before November 1998. The complaint is not time-barred.

Sir, - I have purchased a Greaves 5 KVA Lombardine engine generator set. I have been unable to use it expect for short periods due to many defects. It has run only for 180 hours since I purchased it seven years ago. Despite several letters, it has not been replaced. Can I approach the consumer forum?

WING COMMANDER A.R.HINDLEY

Sampangiramnagar

You have not mentioned whether the set was purchased for personal use or for commercial purposes. In case it is for personal use, you can file a complaint. Since the defects mentioned appear to be the manufacture's fault, you can ask for a replacement, even though the guarantee/ warranty period is over.

Sir, - During May 1997, I paid the necessary amount for reconnecting my telephone. However, the telecom department has reconnected it in such a way that I can only receive incoming calls. Can I claim rebate for the period during which my telephone is not working?

PAULINE NAGAR

Bangalore

It is well-settled that a telephone subscriber is entitled to rebate if the telephone is not working for more than 7 days. The National Commission in the case of District Manager, Telephones, Patna vs Lalit Kumar Bajila (CPJ/189/NC) directed the department to pay a compensation of Rs 200. You may approach the forum for compensation and rebate.

Sir, - I joined BITS Computer Education Centre at Basasvanagudi by paying

Rs 5,500 as course fee for UNIX and C. However, the centre did not hold classes properly and within 15 days, three instructors took a few class and left. Since the centre was not providing education or training, I approached for a refund. Despite repeated reminders, I have not received any reply. What is the remedy?

G.V.KRISHNA

BSK II stage

You may file a complaint at the consumer forum and claim the course fee with compensation. In the case of Apeejay School vs M.K.Sangal, the Delhi State Commission had held that not holding classes is a deficiency in service. Similarly, the Maharashtra State Commission in the case of ABGP, Pune vs AGPM Medical College (1993 (2) CPR 310), decided that collecting fee without imparting education is a deficiency in service.

Sir, - During April 1996, I had paid Rs 21,000 to M/s Premier Automobiles for a Uno car. However, during September '96 I wrote to them to cancel the booking and refund the amount. So far there is no reply. What is the remedy?

U.A.PRABHU, New Mangalore
READER, RMV Extension, Bangalore.

A large number of consumers who have booked for this car have sought refund of their deposits. Since the company has not responded you can file a complaint in the consumer fora or MRTP commission seeking a refund of the deposit with interest.

Sir,- I had sent an important confidential document through courier. However the documents did not reach their destination on time. As a result, I have been put to terrible inconvenience and the relationship between me and my consignee is strained. Can I claim compensation?

You can file a complaint in the consumer forums seeking compensation for deficiency in service. However if you have read the terms and conditions printed on the docket of the courier agency you would have noticed that their liability is restricted to Rs 100. Since you have signed this document it will be presumed that you have agreed to it.
