

**M/s Maatri Medicity and Orthocare Hospital versus
State of H.P and others a/w connected matters**

**CWP No.2080/2026 a/w CWP
Nos.2081/2026, 16930, 16939,
16965, 16966, 20980, 8820, 15422,
17246, 12248, 12249, 17381,
17401, 17431,16831, 17160 &
19209, 19210/2025, 2484, 2894 &
2941 of 2026.**

25.03.2026 Present: Mr. Ajay Chandel, Advocate, for the petitioner(s) in all petitions except CWP No. 19209 & 19210/2025 and CWP No.2484/2026.

Mr. Neeraj Sharma, Senior Advocate with Mr. Vidush Chauhan, Advocate for petitioner in CWP No.2484/2026.

Mr. Parav Sharma and Mr. Rupesh Kumar, Advocates for petitioner(s) in CWP No. 19209 & 19210/2025.

Ms. Seema Sharma, Deputy Advocate General, for respondents No. 1, 3 and 4- State in all the matters.

Mr. Shashi Shirshoo, Central Government Standing Counsel for respondent No.2 in CWP No. 2080/2026.

Mr. Janak Raj, Central Government Standing Counsel, for respondent No.2 in CWP Nos.16930, 16939, 16831, 16965 & 16966/2025.

Ms. Sheetal Vyas, Central Government Standing Counsel, for respondent No.2 in CWP No. 17160/2025.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.2 in CWP No.20980,17381, 17401, 17431/2025, 2484, 2894 & 2941 of 2026.

Mr. Virbahadur Verma, Senior Panel Counsel, for respondent No.1 in CWP No.19209, 19210/2025.

Mr. Anshul Attri, Central Government Standing Counsel, for respondent No.2 in CWP Nos. 8820 & 15422/2025.

Petitioners in all these writ petitions are with the same grievances, hence, with the consent of learned counsel for the parties, all these matters have been connected and taken up under the lead case CWP No.2080/2026 (M/s Maatri Medicity and Orthocare Hospital versus State of H.P and others).

2. Petitioners in all these writ petitions are duly empanelled with respondents as health care providers under the provisions of Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PM-JAY) scheme. Their grievances under these writ petitions pertain to inaction of respondent- State in not releasing the payments to them towards their duly approved bills/claims. The gist of petitioners grievances was noticed as under in the order passed on 25.02.2026:-

“Notice. Mr. Rajat Choudhry, learned Assistant Advocate General, Mr. Shashi Shirshoo, learned Central Government Counsel and Ms. Reeta Thakur, learned Senior Panel Counsel, appear and waive service of notice on behalf of the respective respondents.

2. Heard.

3. Facts:-

3(i). Petitioners are stated to be Hospitals duly empanelled with the respondents as Health Care Providers under the provisions of Ayushman Bharat Pradhan Mantri Jan Arogya Yojna (PM-JNY) Guidelines. Ayushman Bharat has been projected as a flagship scheme of the Government of India launched as per the National Health Policy, 2017 to achieve the vision of universal health coverage. The scheme statedly adopts a continuum of care approach, comprising of:- (a) Health and Wellness Centres; and (b) Pradhan Mantri Jan Arogya Yojna.

3(ii). According to the petitioners, the families covered under the aforesaid scheme have been selected by the Government of India on the basis of Socio-Economic Caste Census, 2011 and Rashtriya Swasthya Bima Yojna.

3(iii). Vide notification dated 29.12.2018, Government of Himachal Pradesh also started providing cashless treatment coverage on the analogy of Ayushman Bharat PM-JAY to the left out families under Mukhya Mantri Himachal Health Care Scheme (Himcare). Under this notification, the hospitals empanelled under Ayushman Bharat PM-JAY stand automatically empanelled under Himcare. It is further the case of the petitioners that package rates of Ayushman Bharat have been adopted for Himcare. Under the Himcare Scheme, cashless treatment coverage upto Rs.5 Lakh per year per family is being provided in the empanelled hospitals by following the guidelines issued for Ayushman Bharat PM-JAY.

3(iv). As per the petitioners, being empanelled Health Care Providers, they are legally bound to provide cashless treatment to the beneficiaries under Ayushman Bharat PM-JAY as also under the Himcare Scheme. Petitioners continue to be empanelled as such. Petitioners have provided treatment to the beneficiaries of the aforesaid schemes in cashless manner. In accordance with the guidelines of the scheme, petitioners have submitted their bills/claims to the respondents for settling the same. All the bills/claims of the petitioners have been approved. The same have also been reflected on the website of respondent No.4. Despite this, respondents have failed to release the payments of duly approved bills/claims of the petitioners. Non-release of payment towards petitioners' duly approved bills/claims is creating financial hardships for them; That they are adversely affected by the cash-flow due to delay in payment of the approved claims by the respondents.

4. In view of petitioners being empanelled Health Care Providers under the respondents for the schemes in question and despite their bills/claims for having provided cashless treatment to the beneficiaries under both the schemes having been duly approved, the action of the respondents in not releasing the same to the petitioners cannot be justified. The schemes have been designed to holistically address the health care system at primary, secondary and tertiary level for meeting sustainable health goals with underline commitment for 'Leaving no one behind'.

5. In view of the documents placed on record, petitioners have made out a case for grant of interim relief at this stage. Hence, there shall be a direction to the respondents to release the payment to the petitioners

towards their duly approved bills/claims by the next date.
Reply be filed within three weeks.
List on 25.03.2026.”

3. Respondents No. 1, 3 & 4 (State) have filed reply. At the request of learned counsel appearing for respondent No.2 (Union of India), which is not opposed by learned counsel appearing for parties, reply filed by Union of India in CWP No.8820/2025 (Aastha Multi-specialty Hospital Pvt. Ltd. versus State of H.P and others) (connected herewith) has been considered as stand of this respondent in all these connected writ petitions.

3(i). Respondent-State has clearly admitted that Himachal Pradesh Swasthya Bima Yojna Society- respondent No.4 is implementing Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) and HIMCARE schemes in the State as per policy guidelines issued by appropriate governments. According to the respondent State, PMJAY is centrally sponsored scheme where allocation of fund is made to the Society in the manner prescribed by National Health Authority, Ministry of Health & Family Welfare. A copy of the scheme has been appended as Annexure R-4(1). As per the scheme, applicable sharing ratio is 90:10 subject to maximum annual ceiling of ₹1052/- per eligible family. The relevant portion of this scheme is as under:-

1. Maximum Annual Ceiling Limit and Sharing Pattern Ratio

A. Maximum Annual Ceiling Limit:

The actual premium and/or treatment cost of AB PM-JAY Beneficiary Families or the maximum ceiling of

the estimated annual grant-in-aid/family as decided by Government of India, whichever is less, would be shared between Central Government and States/Union Territories (Uts) in the ratio as per the directives issued by Ministry of Finance from time to time. This amount shall be subject to amendment as when amended by the directives issued by Ministry of Finance in this regard.

The maximum annual grant-in-aid as NHA's Share will be as under:

For North-Eastern Region, two Himalayan States and one Union Territory viz. Jammu & Kashmir	90% of Annual Maximum Ceiling as decided by government of India from time to time. Viz. Rs.946.80 (Rs.1052/- @90%)
For States other than North Eastern Region, two Himalayan States and for two Union Territories viz. Puducherry & New Delhi	60% of Annual Maximum Ceiling as decided by Government of India from time to time. Viz. Rs.631.20 (Rs.1052/@60%)
For other Union Territories	100% of Annual Maximum Ceiling as decided by Government of India from time to time. Viz. Rs.1052/- (Rs.1052/- @100%)

The ceiling limit shall be applicable irrespective of the implementation mode opted by the State Government/ Union Territory.

B. Sharing Pattern between Central and State Government:

The existing sharing pattern ratio is 60:40 between the Central Government and the States Government/Union Territories for all States and Union Territories other than the seven North-Eastern & two Himalayan States and Union Territories, which have their own Legislatures; and

For the seven North-Eastern States, the Union Territory of Jammu and Kashmir and two Himalayan States (viz. Himachal Pradesh and Uttarakhand), the ratio of sharing between the Central and State Governments will be 90:10; and

For Union Territories which do not have their own legislatures, the Central Government may provide up to 100% on a case-to-case basis."

It is further the stand of respondents No. 1, 3 & 4-respondent State that in view of the maximum annual ceiling and the sharing ratio 90:10 fixed under the scheme, the executive agency i.e. Respondent No.4 receives ₹55.00 crores in a year i.e. ₹49.71 crores as Central Share and ₹5.52 crores as State share.

3(ii). Reply filed by Union of India in Aastha Multi-specialty Hospital Pvt. Ltd. versus State of H.P and others, is to the effect, which is not disputed by respondent-State that Union of India has released its entire share in terms of this scheme to the executive agency i.e. Respondent No.4.

3(iii). According to respondent No.4, it has received claims above ₹55.00 crores from the empanelled hospitals including the petitioners, which over the last two financial years have accumulated to more than ₹201.16 crores.

4. No questions of facts have been raised by respondent-State in reply to the writ petitions. The only reason for not releasing due admissible and approved claims of the petitioners (empanelled hospitals under the aforesaid scheme) is on account of availability of funds. According to the respondents "as and when funds shall be received from appropriate governments, the pendency of eligible claims shall be cleared in accordance with applicable rules and scheme guidelines."

Following tabulation gives the gist of petitioners grievance in respect of their pending claims:-

Sr. No.	CASE No.	TITLE OF THE CASE	PENDING CLAIM AT THE TIME OF FILING OF THE PETITION under AYUSHMAN BHARAT Scheme	PENDING CLAIM AT THE TIME OF FILING OF THE PETITION under HIMCARE Scheme	CLAIM RELEASED DURING PENDENCY OF THE PETITION under AYUSHMAN BHARAT Scheme (Including TDS)	CLAIM RELEASED DURING PENDENCY OF THE PETITION under HIMCARE Scheme (Including TDS)
1.	CWP-8820/25	M/s Aastha Multispeciality Hospital Vs State	Rs.7,19,000	Rs. 61,01,000	Rs.2,17,300	Rs.58,60,100
2.	CWP-15097/25	M/s Surya Hospital Vs State	-----	Rs. 3,16,13,123	-----	Rs. 2,92,79,798
3.	CWP-15422/25	Bhardwaj Multispeciality Hospital Vs State	Rs. 41,48,543	Rs. 70,86,100	No amount received	Rs. 22,07,600
4.	CWP-16831/25	Dev Bhoomi Eye Hospital vs State	Rs. 4,37,600	Rs. 97,69,000	No amount received	Rs. 50,00,000 Rs. 30,11,900
5.	CWP-16930/25	Apex Multispecialty Hospital and Heart Care Centre vs State	Rs. 2,36,225	Rs. 26,52,000	Rs. 81,625	Rs. 13,03,370
6.	CWP-16939/25	M/s City Care Multispeciality Hospital vs State	Rs.1,34,30,819	Rs. 2,47,20,645	Rs. 32,35,350	Rs. 1,31,79,812
7.	CWP-16935/25	Advanced Cardiac Cath Lab vs State	Rs. 3,13,900	Rs. 31,51,204	Rs. 1,52,800	Rs. 15,09,737
8.	CWP-16966/25	Capt. Saurabh Kalia Memorial Kaydee Hospital vs State	Rs. 46,38,913	Rs. 1,23,35,375	Rs. 11,94,848	Rs. 67,01,898
9.	CWP-17160/25	Shri Krishna Children Hospital	Rs. 43,30,090	Rs.46,52,900	No amount received	Rs. 37,00,000

		vs State				
10.	CWP-17246/25	Shivam Orthocare vs State	Rs.1,83,69,310	Rs.2,36,65,700	No amount received	Rs. 69,54,400
11.	CWP-17248/25	Navneet Urology and General Surgery Hospital vs State	Rs. 22,08,726	Rs. 67,95,493	Rs. 18,92,701	Rs. 20,48,852
12.	CWP-17249/25	M/s Anandraj Malik Hospital vs State	Rs. 26,76,660	Rs. 56,21,300	No amount received	Rs. 16,84,000
13.	CWP-17381/25	M/s Dev Bhoomi Advaita Heart Institute vs State	Rs. 2,15,88,394	Rs. 1,18,76,859	Rs. 23,56,291	Rs. 58,79,117
14.	CWP-17401/25	City Heart Superspeciality Hospital vs State	Rs. 1,55,78,884	Rs.4,19,31,217	No amount received	Rs. 1,20,01,566
15.	CWP-17431/25	M/s Shri Harihar Hospital and Research Centre vs State	Rs. 1,81,86,019	Rs.3,28,02,897	No amount received	Rs. 95,99,802
16.	CWP-20980/25	M/s Shri Balmukand Apex Hospital vs State	Rs. 7,70,900	Rs. 77,57,900	No amount received	Rs. 23,26,250
17.	CWP-2080/26	M/s Maatri Medicity and Orthocare Hospital vs State	Rs. 60,86,327	Rs. 88,80,000	No amount received	Rs.50,34,000
18.	CWP-2081/26	M/s Dr. Neena Pahwa Maternity Home vs State	Rs. 65,79,511	Rs. 1,58,46,689	No amount received	Rs. 50,13,000
19.	CWP-2894/26	M/s Life Line Care Hospital vs State	Rs. 44,40,125	Rs. 76,59,600	No amount received	Rs. 2,20,410
20.	CWP-2941/26	M/s Bhambla Multispeciality Hospital	Rs. 45,02,475	Rs. 50,26,500	No amount received	Rs. 1,81,000

		vs State				
21.	CWP-2484/2026	Sai Sanjeevani vs State	Rs.69,32,825	1,90,58,475	No amount received.	Rs. 50,39,000
22.	19209/2025	Bhanoo Hospital Pvt. Ltd. vs Union of India	Rs.13,56,773	Rs. 36,96,025	Not received	Rs.13,29,796
23.	19210/2025	Bhanoo Hospital Pvt. Ltd. vs Union of India	Rs.37,11,700	Rs. 51,78,700	Not received	Rs.8,48,566

Above huge pending claims of the petitioners are in respect of services already rendered by them in terms of the schemes. Furthermore the claims have been duly examined and approved yet these have not been released in entirety. The services being rendered by the petitioners are continuous in nature. The claims shall keep on increasing with every passing day with further patient care. The respondent-State being a welfare entity committed to constitutional principles has fundamental obligation to honour its commitment and cannot deny legitimate claims compelling the petitioners to seek judicial intervention for what is rightfully due to them. In the backdrop of the policy where the State entered into contracts and the work is completed about which there is no dispute on facts and the bills are approved, State cannot withhold the payments of approved bills of the petitioners. The release of petitioners' rightful dues is akin to right to property protected under Article 300 (A) of the Constitution. As a model employer as a model welfare entity respondent-State is duty bound to uphold its bargain and fulfill its payment obligations

to ensure fairness, accountability and trust in public dealings. More so, when the aforesaid schemes are aimed in furtherance of right to life for sustainable health goals of general public for covering the targeted areas under the health schemes. In case the petitioners are not paid their duly approved bills, they would be adversely affected by cash flow, which in turn would affect the running of the scheme, ultimately creating negative impact upon the health care system i.e. goal under the scheme.

For the foregoing reasons, respondent-State is directed to release all pending approved bills of the petitioners by making upto date full and final payments to them within two weeks from today, failing which, the respondents shall remain present in the Court on the next date when appropriate order in accordance with law shall be passed.

List on 10.04.2026.

Jyotsna Rewal Dua
Judge

March, 25, 2026
(yogesh)