

ITEM NO.11 Court 7 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 534/2020

**BAJAJ ALLIANZ GENERAL
INSURANCE COMPANY PRIVATE LTD.**

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

**(IA No. 38348/2021 - APPLICATION FOR PERMISSION TO RE-SUBMIT THE
CORRECTED NOTE SUBMITTED ON 23.02.2021**

IA No. 132263/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA NO.60651/2021 - APPLICATION FOR INTERVENTION

Date : 03-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Narasimhan Vijayaraghavan, AC
Mr. Vipin Nair, AOR
Ms. Meenakshi Arora, Sr. Adv.
Mr. Siddharth, AOR
Ms. Mamta Meghwal, Adv.
Mr. Amit Kumar Agrawal, Adv.

Mr. Chirag M. Shroff, AOR

For Respondent(s) Mr. Jayant K Sud, Ld. ASG
Mr. B.V. Balram Das, Adv.
Mr. Bhuvan Mishra, Adv.
Ms. Garima Prasad, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Manish, Adv.
Mr. Amrish Kumar, Adv.
Mr. Gurmeet Singh Makker, Adv.

INTERVENER Mr. V. Giri, Sr. Adv.
Mr. Mohammed Sadique T.A., AOR
Mrs. Anu K Joy, Adv.
Mr. Amith Krishnan, Adv.
Mr. Alim Anvar, Adv.

Andhra Pradesh Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. K.V. Girish Chowdary, Adv.

Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
	Mr. Sourav Roy, Adv.Dy.Adv. Gen. Mr. Mahesh Kumar, Adv. Mr. Prabudh Singh, Adv. Mr. Siddhant Singh, Adv. Ms. Devika Khanna, adv. Mr. V.D. Khanna, Adv. M/s. VMZ Chambers, AOR
	Mr. Abhishek Atrey, AOR
R-8	Ms. Deepanwita Priyanka, AOR Ms. Vishakha, Adv.
	Ms. Archana Pathak Dave, AOR Ms. Vanya Gupta, Adv. Mr. Parmod Kumar Vishnoi, Adv.
Haryana	Dr. Monika Gusain, AOR
	Mr. Raj Kamal, AOR
Meghalaya	Mr. Amit Kumar, AG Mr. Avijit Mani Tripathi, AOR Mr. Shaurya Sahay, Adv. Mr. T.K. Nayak, Adv.
R-10	Mr. Manish Kumar, Adv. Mr. Vijay Kumar, Adv. Mr. V.K. Shukla, Adv. Mr. Sugam Mishra, Adv. Mr. S.P.M. Tripathi, Adv. Ms. Beena, Adv. Mr. Satish Kumar, Adv.
Andaman & Nicobar	Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR Mr. M.K. Mondal, Adv. Mr. Gandeepan, Adv.
Karnataka	Mr. V.N. Raghupathy, AOR Md. Apzal Ansari, Adv.
Kerala	Mr. G. Prakash, AOR Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv.
	Mr. Pukhrambam Ramesh Kumar, AOR

	Mr. Nirnimesh Dube, AOR
Nagaland	Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv.
	Mr. Som Raj Choudhury, AOR
	Mr. M. Yogesh Kanna, AOR
Telangana	Mr. S. Udaya Kumar Sagar, AOR Ms. Sweena Nair, Adv.
Tripura	Mr. Shuvodeep Roy, AOR Mr. Kabir Shankar Bose, Adv.
Assam	Mr. Shuvodeep Roy, AOR
WB	Mr. Soumitra G. Chaudhuri, Adv. Mr. Chanchal Kumar Ganguli, Adv.
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UP	Mr. Pradeep Misra, Adv. Mr. Suraj Singh, Adv. Mr. Yashsvi Virendra, Adv. Mr. Manoj Kr. Sharma, Adv.
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Tamil Nadu	Dr. Joseph Aristotle S., Adv. Mr. Saaketh Kasibhatla, Adv. Ms. Preeti Singh, Adv.
	Mr. Manish Kumar, Adv. Mr. Vijay Kumar, Adv. Mr. V.K. Shukla, Adv.

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Goa

Mr. Ravindra A. Lokhande, Adv.
 Dr. Abhishek Atrey, Adv.
 Ms. Ambika Atrey, Adv.

Mr. Aravindh S., Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application to re-submit the corrected note submitted
 on 23.02.2021 is allowed.

IA NO.60651/2021 – APPLICATION FOR INTERVENTION

We are not inclined to permit intervention in this matter by Advocates who claim to have expertise in MACT matters. We, however, permit the applicants to make their suggestions to the learned Additional Solicitor General who may examine whether they have any merits or not and whether further restructuring of the directions is required. The applicants are permitted to make the suggestions within 10 days.

The application stands disposed of.

WRIT PETITION [C] NO.534/2020

An addendum has been submitted by Mr. N. Vijayaraghavan, and learned counsel representing him submits that in Tamil Nadu, the matter of concern arose on account of misappropriation of amounts from the Pattukottai Court arising from the failure of the

insurance companies to furnish the MCOP numbers and stating only the UTR numbers of the deposits. It is further stated that the matter is being examined in a larger context and an agreed template for the insurance companies to make the deposits will be finalized at a pan India level.

The second suggestion by him is of a certificate of disability of victims through the district medical board to bring some uniformity into it and to keep out stock witnesses as medical experts. This is again an aspect which the learned ASG would examine to make suggestions.

The issue of tax deduction at source is sought to be raised as if a claimant has a PAN number, TDS is deducted at 10 per cent and otherwise at 20 per cent. The feasibility of bringing some uniformity/relaxing this requirement may be explored by the learned ASG to make appropriate suggestions.

The petitioners have also submitted an affidavit dated 2nd August, 2021 making certain suggestions. One of the aspects raised by learned counsel is that the States may respond by specifying whether the direction issued by the Court have been circulated to the local police stations and the MACT Court so that everyone is aware of the same and the process works to its full capacity. In this behalf, needless to state that the States are required to do the needful and in respect of each State, learned ASG will hold the interactions and submit a report where any

further directions are required.

Learned ASG states that the further positive development is that practically all the 26 insurance companies have come on board so that a common App is developed. He submits that in respect of the aforesaid aspects as well as what was observed as 'I' and 'J' in our order dated 16.03.2021, some more time would be required and he will submit to this Court what further progress is made in this behalf and set down in writing what further directions he needs from this Court. He requests for two months' time for the said purpose, which is granted.

The direction he seeks should be submitted to this Court at least three days in advance to facilitate our scrutiny.

The States will communicate the necessary feedback to the learned ASG's office within one month from today.

One additional aspect which has been brought to our notice is that the vehicles of the State Corporations which run public transport are not insured because of exemption provided and, as a result thereof, compensation is not paid for long period of time as most of these Corporations are running in losses. In fact, there are numerous illustrations where the vehicles had to be attached for coercive recovery from the Corporations to make payments to the claimants. Learned ASG would examine the possibility of either withdrawing the exemption or

for a mechanism to ensure that sufficient fund pool is available with these Corporations for meeting their liabilities towards the claimants.

Mr. N.L. Raja, learned senior counsel joined the proceedings to suggest that online mediation for settlement of such claims through the web portals is also a way forward. He would like to make suggestions which will be forwarded to the learned ASG within two weeks for consideration by the Government. What appears from his submission is that the online mediation groups would be advising the insurance companies and it would be binding on the insurance companies while the claimant has the option to accept it or not to accept it. Since this will be backed by reasons through these online mediation organizations, the chances of the claimants accepting it is quite high.

List for further directions on 26.10.2021.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)