

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.941 OF 2014

[Miracle Samarth .vs. Life Insurance Corporation of India and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.V./V.D. Mule, counsel for the petitioner,
Mrs. S.P. Deshpande, counsel for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATED : JULY 06, 2015.

By this petition, the petitioner challenges the order of the respondents, dated 22.12.2011 cancelling the Corporate Insurance Agency of the petitioner based on the Corporate Licence No.4630469. The petitioner was granted a Corporate Insurance Licence, bearing No.4630469, by the respondents and the petitioner was running a Corporate Insurance Agency in terms of the licence. Certain ex-employees of the Corporation made complaint against the petitioner that the petitioner was paying bribe to the parties to secure insurance. On the complaints made by the ex-employees of the petitioner, the respondents cancelled the agency of the petitioner by the impugned order-communication, dated 22.12.2011.

Inter alia, the petitioner has challenged the impugned order on the ground that the petitioner was not afforded an opportunity before the cancellation of the agency. It is submitted that no notice was served on the petitioner asking it to show cause against the termination of

the agency on the allegations made in the complaint of the ex-employees. It is submitted that in the absence of a fair opportunity, the impugned order is liable to be set aside.

Mrs. Deshpande, the learned counsel for the respondents, has relied on the communication, dated 19.9.2011 for seeking the dismissal of the writ petition. It is stated that the petitioner was served with a show cause notice dated 19.9.2011. It is stated that it cannot be said that the petitioner was not afforded a fair opportunity, as the notice, dated 19.9.2011 was served on the petitioner. It is stated that the petitioner has replied the communication dated 19.9.2011.

On hearing the learned counsel for the parties and on a perusal of the communication dated 19.9.2011, it appears that the petitioner was not afforded an opportunity to show cause against the proposed cancellation of its agency. By the communication dated 19.9.2011, the petitioner was only asked to explain in respect of some pamphlets and a complaint registered against the petitioner in the Police Station at Bhandara. By the communication dated 19.9.2011, the petitioner was not asked to show cause why his agency should not be cancelled. Also, it is not clear from the impugned communication that the reply of the petitioner was considered by the respondents while terminating the agency. In the circumstances of the case, the impugned order is liable to be set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The respondents are, however, free to take

appropriate action against the petitioner, in accordance with law. Order accordingly. No costs.

JUDGE

Gulande

JUDGE