# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.2386 of 2017**

======================================================

East And West Educational Society through its Secretary, Dr. Daisy Banerjee, M-2/11, Road No. 10 E, Rajendra Nagar, P.S. Kadamkuan, District/ town-Patna.

.... .... Petitioner

Versus

1. The Union of India through the Secretary Ministry of Finance, Dept. of Economic Affairs, Banking and Insurance, 3rd Floor, Jeevan Vikar Sansad Marg, New Delhi.
2. The Insurance Regulatory and Development Authority, 3-5-817/818, United India Towers, 9th Floor, Hyderabad through the Chairman.
3. The Insurance Ombudsaman, Kalpana Arcade Building, 1st Floor, Bazar Samiti Road, Bahadurpur, Patna-800006
4. Cholamandalam MS General Insurance Company Ltd through the Chairman-Cum-Managing Director, Dara House, 2nd Floor, 2, NSC BOSE ROAD, Chennai-600001.
5. Branch Manager, Cholamandalam MS General Insurance Company Ltd., Plot No. 166,3rd Floor, I.D. Complex, Opposite Medicana, West Boring Canal Road, Patna-800023.

.... .... Respondent/s

======================================================

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner | : | Mr. Mukesh Prasad Singh, Advocate. |
| For the Resp. No. 1 | : | Mr. Manoj Kumar Singh (CGC) |
| For the Resp. No. 2 | : | Mr. Raj Kamal, Advocate. |
| For the Resp. Nos. 4 & 5 | : | Mr. Durgesh Kumar Singh<br>Mr. Rajesh Chandra Narayan, Advocates. |

======================================================

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 15-01-2018**

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs:

> *"(i) For issuance of writ in the nature of writ of mandamus commanding the Insurance Regulatory and Development Authority (hereinafter referred as "IRDA")- respondent no. 2 to direct the Cholamandalam MS General Insurance Co. Ltd. through*

*its Chairman-cum-Managing Director and the Branch Manager, respondent nos. 4 and 5 respectively under the provision of Sub-Section(2) (b) of Section 14 of IRDA Act, 1999 (Act 49 of 1999) to settle the Insurance claim in respect to theft of Bolero Jeep bearing registration No. BR-01-PF-2676 insured under policy schedule cum Certificate No. 3362/01080401/0000/100 covering the risk from 27.10.2015 to 26.10.2016 for a sum of Rs. 5,66,931/- for which a premium of Rs. 17,892/- was taken through Cheque No. 825934 dated 26.10.2015.*

*(ii) And for a further command to respondent no. 2 to direct the respondent nos. 4 and 5 to pay the insurance claim with interest at the rate of 13% per annum i.e. 2% above the Bank rate (Bank lending rate) at the relevant time in terms of Sub-regulation (6) of Regulation 9 of IRDA (Protection of Policyholders' Interests) Regulation, 2002.*

*(iii) And further for a direction to respondent no. 2 to cancel the license of respondent no. 4- Insurance Company on account of playing fraud by them in reducing the IDV value of the vehicle in question from Rs. 5,66,931/- to 5,29,000/- only without information to the petitioner- insured despite the fact the respondent no. 5 charged and received premium amount of Rs. 17,892/- on the IDV value of the vehicle Rs. 5,66,931/- and excess premium received by the respondent no. 5 have not been refunded to the petitioner-insured. Further the respondent-Insurance company did not settle and pay the claim in spite of taking consent letter from the petitioner for settling claim at Rs. 5,29,000/- (Annexure-8). These act of respondent nos. 4 and 5 amounts to prejudicial to the interest of policyholder (petitioner) in terms of Regulation 23(a) of IRDA (Registration of Indian Insurance Companies) Regulation, 2000.*

*(iv) And further for issuance of any other appropriate writ, order or direction which this Hon'ble Court may deem fit in the facts and circumstances of this case."*

3. Learned counsel for the petitioner states that the grievance of the petitioner has now been redressed and the present writ petition need not be pressed.

4. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Md. Ibrarul/-

| | |
|---|---|
| AFR/NAFR | NAFR |
| CAV DATE | N.A. |
| Uploading Date | 16.01.2018 |
| Transmission Date | N.A. |