

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13371 OF 2018

IN

WRIT PETITION NO. 6055 OF 2016

Laxman Radhakrishnan Iyer and others .. **Applicant**

Versus

Union of India and others

.. **Respondents**

Mr. Shrihari Aney, Senior Advocate i/b. Mr. S. G. Chapalgaonkar, Advocate for the Applicant.

Mr. S. B. Deshpande, A.S.G. for Respondent Nos. 1 to 3.

Mr. H. H. Padalkar, Advocate for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 29th October, 2018

PER COURT :

1. Furtherance to the affidavit filed by the respondents the learned Assistant Solicitor General, on instructions, submits that 101 petitioners are eligible to act as Loss Assessors / Surveyors for the departments for which categorisation letter is issued to them. He further submits that, if they are required to apply for renewal their request would be processed.

2. Mr. Aney, the learned Senior Advocate for the applicants submit that after 30.10.2018 persons similarly situated to the petitioner would loose their licences under Regulations 27 of the 2015 Regulations as amended by Regulations 2017. They may be protected till the respondents take the decision. The respondents in their affidavit have averred that the committee is constituted of Working Group, to revisit the existing IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015 and subsequent IRDAI (First Amendment) Regulations 2017 for improvement or amendment, if any required, in order to ensure alignment and clarity of the regulatory framework in relevance with the dynamics of the profession of Surveying and Loss Assessment vis-a-vis the Indian insurance sector. The Working Group is holistically looking into the issues relating to licensing, renewal and IIISLA memberships, which also includes review of existing qualifications and transitory period. IRDAI, on the basis of the

recommendation of the Working Group will take decision *inter alia* on qualification for all S & Las. By addendum dated 28th August, 2018, the term of the Working group has been extended by another seven weeks.

3. On the basis of this statement made in the affidavit, Mr. Aney, the learned Senior Advocate submits that till the respondents take a decision, the protection be granted to the Surveyors and Loss Assessors and their licences may not be rescinded / cancelled till the decision is taken by the Working Committee constituted by the respondents.

4. The learned A.S.G. submits that Working Group constituted would be making recommendations regarding the issues relating to licence renewal and they would not be taking any decision with regard to the renewal of licence.

5. We have already recorded the statement of the learned A.S.G. that out of 108 petitioners, 101 petitioners are eligible on the basis of their

categorisation letter and two are under process.

In view of the statement made by the learned A.S.G., the grievance of the majority of the petitioners, at present, is addressed.

6. Naturally the statement is made considering the petitioners herein. As far as other similarly situated Surveyors and Loss Assessors are concerned, the respondents would be taking the decision in tune with the Regulations as they have interpreted it.

7. It would not be appropriate to pass any interim order at this stage, more particularly, when the provisions of the statute are assailed.

8. In case, the decision / recommendation of the Working Committee is against the interest of the petitioners, naturally they would have every right to assail the same. With these observations, the civil application stands disposed of.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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