

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6915 of 2017

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Satish Saran son of late Audh Bihari Saran, resident of flat No. 2AB, Konark Residency, Road No. 12, Rajendra Nagar, P.S. Kadan Kuan, Patna.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Finance, Government of India, New Delhi.
2. Insurance Regulatory and Development Authority of India through its Chairman, Parishram Bhawan, 3rd Floor, 5-9-58/B Basheerbagh, Hyderabad, Telengana.
3. Indian Institute of Insurance Surveyors and Loss Assessors through its President, Flat No. 315 Paras Chambers, D.No. 3-5-890, Himayat Nagar, Hyderabad, Telengana.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ray Saurabh Nath, Advocate Mr.Alok Anand, Advocate
For the Res. No. 1	:	Mr.Sujeet Kumar Sinha, Advocate
For the Res. No. 2	:	Mr.Raj Kamal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 21-11-2019 It appears from the previous orders passed by this Court that the Indian Institute of Insurance Surveyors and Loss Assessors (Respondent No. 3) is not putting its appearance.

Learned counsel for the Insurance Regulatory And Development Authority of India (in short 'IRDAI') (Respondent No. 2) submits that the respondent no. '3' is a self financed and self accredited organization which has been promoted by 'IRDAI' (Respondent No. 2).

Learned counsel for the petitioner submits that earlier the 'IRDAI' has issued a direction under sub-regulation (3) of Regulation 15 of the IRDAI (Insurance Surveyors and Loss



Assessors) Regulations, 2015 (hereinafter referred to as the 'Regulation of 2015') to respondent no. '3'. The copy of the said direction of respondent no. '3' is available at Annexure '12' to the writ application. Paragraph '6' of the direction issued by respondent no. '3' reads as under :

"6. Accordingly, the Authority in judicious exercise of powers vested with it under Regulation 15 (3) of IRDAI (Insurance Surveyors and Loss Assessors) Regulation 2015 hereby disposes of this appeal made pursuant to Regulation 15 (2) of the IRDAI (Insurance Surveyors and Loss Assessors) Regulations 2015 with the following directions of IISLA:

To allot Fellow Membership to the Appellant Shri Satish Saran within 30 days from the date of this Order under intimation to this Authority;

It is expressly made clear that the appellant's entitlement to Fellow Membership does not exempt him from undergoing the prescribed training or any other requirement applicable to a Fellow Member."

It is the grievance of the petitioner that despite the aforesaid direction issued by respondent no. '3', the respondent no. 2 who is an organization permitted by respondent no. '3' is not complying with the direction and has chosen not to appear before this Court to answer the queries.

Learned counsel for the 'IRDAI' (Respondent No. 2) submits that so far as the 'IRDAI' is concerned, it has already considered the application of the petitioner and has communicated its decision to the Institute (Respondent No. 3).



Having heard learned counsel for the petitioner and learned counsel for the respondent no. '2', this Court finds that despite there being a direction of respondent no. '2' to the Institute, the Institute has chosen not to comply with the direction of the authorities. In such circumstance this Court directs the 'IRDAI' (Respondent No. 2) to act in terms of sub-regulation (4) of Regulation 15 of the Regulation of 2015 and issue the license to the applicant/petitioner in the manner indicated in sub-regulation (4) of Regulation 15 of the Regulation of 2015 which would be binding up on the Institute.

Considering the conduct of the respondent no. '3' who is neither complying with the decision of the 'IRDAI' nor putting appearance before this Court to explain the matter, this Court directs respondent no. '2' to take an appropriate action against respondent no. '3' and communicate this Court within a period of 8 weeks from today regarding the steps taken against respondent no. 3.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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