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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 7151/2019 & CM APPLs. 29803/2019 & 29804/2019

DHRUV KUMAR ..... Petitioner

Through: Mr. Satyaprakash, Adv. along with petitioner in person.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr. Gaurang Kanth, CGSC for R-1/UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C. HARI SHANKAR

O R D E R

% **05.07.2019**

CM APPL. 29804/2019 *(exemption)*

1. Allowed, subject to just exceptions.

W.P.(C) 7151/2019 & CM APPL. 29803/2019

2. This writ petition has been preferred with the following prayers:

"(i) To issue a writ in the nature of certiorari to quash the order dated 04-06-2019 (Annexure No. 1) issued by the Respondent No. 2.

(ii) To issue a writ, order or direction in nature of mandamus commanding the Opposite Party No. 2 not to act upon the data supplied by Respondent No. 3 without verifying of such data through an independent agency.

(iii) To issue a writ, order or direction in nature of mandamus commanding the Opposite Party No. 1 & 2 to conduct and

enquiry of the insurance companies and verify the data supplied by the insurance companies to respondent no. 3.

(iv) To issue a writ, order or direction in nature of mandamus commanding the Opposite Party No. 2 to conduct the audit of the insurance companies every year as provided under section 14 (2) (h) of the IRDA Act, 1999.

(v) To issue any other order or direction against the Respondents as this Hon'ble Court may deem fit in the circumstances of the case and in the interest of justice.

(vi) To Award the cost of the Petition."

3. Having heard the learned counsel for the petitioner and looking to the facts and circumstances of the case, it appears that Insurance Regulatory and Development Authority of India (IRDAI) who is respondent No.2 has undertaken the exercise and issued an exposure draft on 20.05.2019 showing the proposed premium rates for Motor Third Party Liability Insurance covers for the Financial Year 2019-20 detailing the methodology of arriving at the premium and inviting comments on the proposed rates from all the stakeholders.

4. Thus, it appears that after following due procedure and after publicity of the draft rules and after inviting objections, the rates have been finalized.

5. Nothing has been mentioned in the memo of the writ petition whether any objection was raised by the petitioner when the draft rates were published by IRDAI – respondent No.2.

6. Counsel appearing for the petitioner has submitted that the data supplied by Insurance Information Bureau (IIB) which is respondent No.3 is incorrect data. Bare assertion has no value at all unless it is proved.

The data supplied by Insurance Information Bureau is not the only ground for fixation of the rates of premium.

7. Looking to the order passed by the respondent No.2 dated 04.06.2019 (Annexure 1 to the memo of this writ petition), it appears that no illegality has been committed by the authority, namely, IRDAI – respondent No.2 and, therefore, we see no reason to interfere with the order passed by the respondent No.1 which is dated 04.06.2019.

8. Hence, there is no substance in this writ petition and the same is therefore dismissed.

CHIEF JUSTICE

C. HARI SHANKAR, J

JULY 05, 2019
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