

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.8830 & 8831 of 2020

G.Rajkumar

... Petitioner in
both W.Ps.

Vs.

Insurance Regulatory and Development
Authority of India
Sy No.115/1, Financial District
Nanakramguda, Gachibowli, Hyderabad 500 032.

Union of India
Through the Ministry of Road
Transport and Highways
rep. by Joint Secretary
Shastri Bhawan, New Delhi 110 011.

... Respondents 1&2
in both W.Ps.

General Insurance Council
rep. by its Secretary General
Nagaraja Sarma Maddipatla
5th Floor, National Insurance Building
14, J.Tata Road, Church Gate, Mumbai.
[Impleaded as R3 in WP No.8830/2020 vide
order dated 21.8.2020 made in WMP No.13932/20]

... Respondent No.3
in WP.8830/2020

SBI General Insurance Company Limited
Natraj 101 and 301 Junction of Western Express
Highway and Andheri Kuria Road
Andheri (East), Mumbai.

... Respondent No.3
in WP.8831/2020

[Impleaded as R3 in WP No.8831/20 vide order
dated 21.8.2020 made in WMP No.13811/20]

Bus and Car Operators Confederation of India
rep. by its General Secretary A.Afzal
No.148, Perambur Barracks Road
Purasawalkam
Chennai 600 007.

... Respondent No.4
in both W.Ps.

[R4 impleaded in both WPs vide order dated 07.10.2020
made in WMP Nos.16613 & 16611/20 respectively]

Prayer: W.P.No.8830 of 2020 - Petitions under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to consider the representation of the petitioner and initiate appropriate policy measures.

W.P.No.8831 of 2020 - Petitions under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to consider the representation of the petitioner and initiate appropriate policy measures; pass orders directing insurance providers to adjust premiums on motor vehicle insurance pursuant to a reassessment of risk; or alternatively issue an order of Mandamus directing the first and second respondent to issue appropriate notifications to mandate insurance providers to adjust premiums on motor vehicles after conducting a detailed study.

For Petitioner : Mr.Anirudh Krishnan

For Respondents : Mr.M.B.Raghavan
For M/s. M.B.Gopalan
Associates
for respondent-1

Mr.P.Giridharan
for respondent-3
in W.P.No.8831 of 2020

Respondent-2 - Notice served.
No appearance

Mrs.A.L.Ganthimathi
for respondent-3

Mr.Manishankar, S.C.
For Mr.S.Arun Prasad
for respondent-4
in W.P.No.8830/2020

ORDER
(Made by the Hon'ble Chief Justice)

The petitioner has come up with an utterly frivolous petition and complains of the Insurance Regulatory and Development Authority of India not considering the petitioner's representation in such regard.

2. According to the petitioner, a special waiver provision was applied by the Regulatory Authority in respect of buses and

long-haul trucks which remained inoperative during the lockdown. The writ petitioner wants such provision to be extended to other vehicles.

3. Clearly, the prayer is misconceived and completely unworkable. There is no evidence to suggest that every car remained locked and inoperative during the entire period of lockdown or during any specified part thereof. The waiver provision applies to a period only when the car is in the garage or under repair and unable to ply. A blanket waiver of such kind cannot be granted in respect of other motor vehicles without undertaking a fact-finding enquiry as to whether the relevant car was, in fact, inoperative and, if so, for what period.

4. W.P.Nos.8830 and 8831 of 2020 are dismissed. There will be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kpl
To

1. Insurance Regulatory and Development
Authority of India
Sy No.115/1, Financial District
Nanakramguda, Gachibowli
Hyderabad 500 032.
2. The Joint Secretary
Ministry of Road Transport and Highways
Shastri Bhawan
New Delhi 110 011.
3. The Secretary General
General Insurance Council
Nagaraja Sarma Maddipattla
5th Floor, National Insurance Building
14, J.Tata Road, Church Gate
Mumbai.

+2 CCS to Mr.Anirudh Krishnan, Advocate sr 23603.

W.P.Nos.8830 & 8831 of 2020

NR(CO)
SP(21/06/2021)