

24.11.2022

**MAT 679 of 2022
With
CAN 1 of 2022**

**Insurance Regulatory Development
Authority of India
Vs.
Subrata Goswami & Ors.**

Mr. Biswaroop Bhattacharyya
Ms. Supriya Dubey

... ... for the appellant

Mr. Pratyush Putwari

... ... for the respondent no.1

This intra-court appeal is at the instance of the Insurance Regulatory Development Authority challenging part of the order of the learned Single Judge dated 15th February, 2022 passed in WPA 18750 of 2021 wherein certain observations have been made against IRDA while remanding the matter back to the Ombudsman.

The record reflects that the writ petitioner had approached the learned Single Judge questioning the order of the Ombudsman dated 15th January, 2021 whereby the complaint made by the writ petitioner against the respondent no.3 Insurance Company was returned back on the ground that it could not be entertained. Learned Single Judge by the impugned order has found the order of the Ombudsman to be ex facie illegal and remanding the matter back to the Ombudsman for fresh consideration.

Learned counsel for the appellant has pointed out that in the meanwhile the entire amount has been refunded to the respondent no.1 (writ petitioner) on 22nd

November, 2022. This aspect is not disputed by the learned counsel for the respondent no.1. Therefore, the grievance of the respondent no.1 (writ petitioner) does not survive.

So far as the observations made by the learned Single Judge as against the Insurance Regulatory Development Authority, we find that such observations were unwarranted and are accordingly expunged.

Appeal is accordingly disposed of.

Connected application is also disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)