



W.M.P.No. 5231 of 2022
in W.P.No.23593 of 2021

R. MAHADEVAN, J.

This miscellaneous petition has been filed by the first respondent in the writ petition, seeking to clarify the order dated 02.11.2021 passed in W.P.No.23593 of 2021, as to which authority is to comply with the same.

2.The learned counsel for the petitioner herein submitted that the Chairman (IRDA) is the Regulatory authority of the insurance industry created statutorily under the Insurance Regulatory and Development Authority Act, 1999 located in Hyderabad, while the Insurance Ombudsman is an independent grievance redressal authority constituted under the Insurance Ombudsman Rules, 2017. It is further stated that the IDRA cannot exercise the functions of the Ombudsman nor can the Ombudsman act on behalf of the IRDA. Hence, the competent authority to comply with the direction of this court is the Insurance Ombudsman.

3.In view of the above submission, which appears to be *bona fide*, the operative portion of the order dated 02.11.2021 passed in WP.No.23593 of 2021 is modified in the following terms:

“the Insurance Ombudsman is directed to consider the writ petitioner's representation dated 21.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to her and the respondents 2 and 3, within a period of eight weeks from the date of receipt of a copy of this order.”

Except the same, the order passed in WP.No.23593/2021 remains unaltered in all other aspects.

4.This miscellaneous petition is ordered accordingly.

20.04.2022

dhk



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