



WEB COPY



W.P.No.4570 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4570 of 2015
and M.P.No.1 of 2015

Acme Insurance Broking Services (P) Ltd.,
represented by its Principal Officer
cum-Managing Director Vikram Injeti
3-A, III Floor, "JAMALS"
17, Jagannathan Road,
Nungambakkam,
Chennai – 600 034.

...Petitioner

-Vs-

1.The Chairman
Insurance Regulatory and Development Authority,
Parishram Bhavan, 3rd Floor
Basheer Bagh, Hyderabad – 560 004.

2. Insurance Regulatory and Development Authority,
Parishram Bhavan, 3rd Floor
Basheer Bagh, Hyderabad – 560 004.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari, calling for the records pertaining to the impugned decision in charge No.5 passed by the 2nd respondent authority in its Ref IRDA/ENF/ORD/ONS/019/01/2015 dated 23.01.2015 and quash the same.



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For Petitioner : Mr.Amalnath

For R1 and R2 : Mr.M.B.Raghavan
for M/s.M.B.Gopalan and Associates

ORDER

The writ on hand has been filed to quash charge no.5 issued by the 2nd respondent in order dated 23.01.2015. The petitioner is Acme Insurance Broking Service Private Limited, a registered company. They are the licensees to do insurance business with the respondent/Insurance Development Authority.

2. License was granted to the petitioner by the respondent authority to act as an insurance broker. Regarding certain irregularities charges were issued against the petitioner company. Out of six charges the petitioner challenges charge no.5 alone in the present writ petition.

3.The learned counsel for the petitioner made a submission that the charge is untenable and there is no prima facie allegation raised against the petitioner company and they are conducting the business in accordance



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with the licensed condition and thus the charges is to be set aside.

4.The learned counsel for the respondents brought to the notice of this Court that an appeal is contemplated under Section 110 (1) of the Insurance Act 1938. Thus, the petitioner has to approach the Securities Appellate Tribunal constituted for the purpose of adjudicating the issues. Therefore, the writ petition is to be rejected.

5.Disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Power of judicial review under Article 226 cannot be expanded for the purpose of adjudication of disputed facts which is to be done with reference to the documents and evidences in original. More so the petitioner is challenging a charge framed against him and the allegations require verification and scrutinisation of documents and evidence. That being the case the petitioner has to approach the Securities Appellate Tribunal, constituted for the purpose of resolving the issues of this nature. Admittedly, the petitioner has not preferred any such appeal and therefore, the petitioner is at liberty to prefer an appeal before the Tribunal under Section 110 of the Insurance Act. In the event of filing any



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such appeal, the Tribunal shall consider the period during which the writ petition was pending before the High Court for the purpose of condoning the delay.

5. With this liberty the writ petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

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cda/sha

Index : Yes

Speaking

Neutral Citation : Yes



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S.M.SUBRAMANIAM. J.,

sha/cda

To

- 1.The Chairman
Insurance Regulatory and Development Authority,
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Basheer Bagh, Hyderabad – 560 004.
2. Insurance Regulatory and Development Authority,
Parishram Bhavan, 3rd Floor
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- 3.The Principal Officer
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