



W.P.Nos.6484 & 6492 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P Nos.6484 & 6492 of 2021

Association of Management of Coimbatore,
Anna University Affiliated Colleges
(Registration No.140/2008),
represented by its Co-ordinator,
Site No.11/19, S.F.No.586, 1st Part, SS Avenue,
Avinashi Road, Coimbatore 641 014.

...Petitioner in WP.No.6484 of 2021

Om Sri Vivekananda Educational Trust,
represented by its Secretary,
Attur Main Road,
Ramalingapuram, Salem 636 106.

.. Petitioner in WP No. 6492/2021

Versus

1. Insurance Regulatory and Development Authority,
represented by its Chairman,
3rd floor, Parisrama Bjavaan,
Basheer Bagh, Hyderabad 500 004.
2. The New India Assurance Co. Ltd.,
Represented by its Deputy General Manager,
Regional office, 770-A, Anna Salai,
Chennai 600 002.
3. The National Insurance Company Limited,
represented by its Deputy General Manager,
Regional office, No.190, Anna Salai,
Chennai 600 006.
4. The Oriental Insurance Company Limited,
represented by its Deputy General Manager,



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Regional Office, No.4, Esplanade,
Chennai 600 108.

5. The United India Insurance Co. Ltd,
represented by its General Manager,
Registered and Head Office,
No.24, Whites Road, Chennai 600 014.
6. Reliance General Insurance Company Limited,
Bharathi Street, Omalur Main Road,
Warnapuri, Salam 636 004.
7. Tata AIG General Insurance Company Ltd.,
Sree Vedhaths Complex, 1st floor, 225/23,
Itteria Road, Meyyanur, Salam 636 004.
8. Bajaj Alliance General Insurance Co. Ltd.,
SLS Towers, 1st Floor, 68 Cherry Road,
Hasthamptty, Salem 636 007.
9. Future Generali India Insurance Company Limited,
6th Floor, Tower - 3, Indiabulls Finance Center,
Senapati Bapat Marg,
Elphinstone Road, Mumbai 400 013.
10. Cholamandalam MS General Insurance Co. Ltd.,
Dare House, 2nd Floor, No.2, NSC Bose Road,
Chennai - 600 001.
11. IFFCO-TOKIO General Insurance Company Limited,
IFFCO Tower, Plot No.3, Sector 29,
Gurgaon 122 001.
13. HDFC ERGO General Insurance Company Limited,
first floor, HDFC House, Backbay Reclamation,
H.T.Parekh Marg, Churchgate, Mumbai 400 020.

...Respondents in W.P.No.6484 of 2021

1. Insurance Regulatory and Development
Authority of India, Consumer Affairs Department -
Grievance Redressal Cell, Sy.No.115/1,
Financial District, Nanakramguda,
Gachibowli, Hyderabad 500 032.
2. Reliance General Insurance Company Limited,
Bharathi Street, Omalur Main Road,
Swarnapuri, Salem 636 004.
3. Tata AIG General Insurance Company Ltd.,
Sree Vedhaths Complex,
first floor, 225/23, Itteri Road,



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Meyyanur, Salem 636 004.

4. Bajaj Allianz General Insurance Co. Ltd.,
SLS Towers, first floor, 68 Cherry Road,
Hasthamptty, Salem 636 007.

...Respondents in W.P.No.6492 of 2021

Prayer in WP.No.6484 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to formulate a viable policy so that educational institution buses of the members of the petitioner association are exempted from payment of insurance premia for the closure period of the educational institution, alternatively to proportionately reduce the premia amounts to the educational institution buses of the members of the petitioner association in view of the pandemic viz., COVID - 19.

Prayer in WP.No.6492 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to formulate a viable policy so that educational institution buses of the petitioner are exempted from payment of insurance premia for the closure period of the educational institution, alternatively, to proportionately reduce the premia to the educational institution buses of the petitioner Trust in view of the pandemic viz., COVID-19.

In WP.No.6484 of 2021:-

For Petitioner	: Mr.Kandhan Duraisami
For R1	: M/s. M.B.Gopalan Associates
For R3 & R11	: M/s.S.Arun Kumar
For R5	: Mr.P.Sankaranarayanan
For R6	: M/s.Elaveera Ravindran
For R7 & R9	: M/s. Dayanand Singh
For R10	: M/s. C.Haini
For R2, R4, R8	: No appearance

In WP.No.6492 of 2021:-

For Petitioner	: Mr.Kandhan Duraisami
For R1	: M/s. M.B.Gopalan Associates
For R2	: M/s.Elaveera Ravindran
For R3	: M/s. Dayanand Singh
For R4	: No appearance



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COMMON ORDER

The petitioner in WP No. 6484 of 2021 seeks a direction to the respondents to formulate a viable policy for giving exemption from payment of insurance premium, payable during Covid-19 lockdown.

2. It is the specific case of the petitioner in WP No. 6484 of 2021 that during Covid-19 lockdown period the education institutions did not operate the buses and therefore, they could not collect fees from the student towards transport facilities. In this context, the petitioner in WP No. 6484 of 2021 submitted a representation to the first respondent for formulating a policy for grant of exemption from payment of insurance premium for buses of education institutions during the Covid-19 lockdown but the same has not been considered till date. Therefore, the petitioner is before this Court with this W.P No. 6484 of 2021.

3. The learned counsel appearing for the first respondent Insurance Regulatory and Development Authority in WP No. 6484 of 2021 submit that whether the buses of the respective educational institutions were operated or not is in dispute and it can be considered only based on enquiry. Therefore, the



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first respondent is not in a position to formulate a general policy to recommend waiver of premium payable during the Covid-19 lockdown period.

4. In view of the objection raised by the first respondent in WP No. 6484 of 2021, without going into the merits of the claim made by the petitioner in WP No. 6484 of 2021, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 04.12.2020 and pass final orders, after issuing notice to all interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

5. In view of the order passed by this Court in WP No. 6484 of 2021, directing to the first respondent to consider the representation of the petitioner dated 04.12.2020, no separate orders need to be passed in WP No. 6492 of 2021. Therefore, Writ Petition No. 6492 of 2021 is closed. No costs.

6. With the above direction, the Writ Petition in WP No. 6484 of 2021 is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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To

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1. The Chairman,
Insurance Regulatory and Development Authority,
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2. The New India Assurance Co. Ltd.,
Represented by its Deputy General Manager,
Regional office, 770-A, Anna Salai,
Chennai 600 002.
3. The Deputy General Manager,
The National Insurance Company Limited,
Regional office, No.190, Anna Salai,
Chennai 600 006.
4. The Deputy General Manager,
The Oriental Insurance Company Limited,
Regional Office, No.4, Esplanade,
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5. The General Manager,
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S. SOUNTHAR, J.

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