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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5191/2025 & CM APPL. 23617/2025**

MANPREET SINGH LAMBA

.....Petitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Kushal Kumar, Mr. Akash
Deep Gupta and Mr. Suryansh Gaur,
Advocates
M. 9958724670

versus

**INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS
ASSESSORS & ORS.**

.....Respondents

Through: Mr. Prithu Garg, Mr. Shivam Singh
and Mr. Ashutosh Arvind Kumar,
Advocates for R-1
M. 7739685509
Email. shivam.singh@pgoffice.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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23.04.2025

1. The present writ petition has been filed seeking quashing of the results of the election to the 14th Council of respondent no. 1, i.e., Indian Institute of Insurance Surveyors and Loss Assessors ("IIISLA") announced on 5th April, 2025. There is a further prayer seeking directions to the respondent nos.1 and 2, to conduct the re-election to the said 14th Council.
2. Learned Senior Counsel appearing for the petitioner draws the attention of this Court to Para 49 (g) of the Articles of the Association of the IIISLA, which reads as under:



“xxx xxx xxx

49. The Election of the Council shall be held every year as follows:

xxx xxx xxx

g) The electoral college for the election of the members from the four Zones to be elected and the electoral college for the election of the members to the Council on All India basis shall comprise of all Associate and Fellow members of the Institute. And the Ballot papers shall be so earmarked as to convey the bifurcation of election of contestant from his/her respective zone and also those contestants contesting on all India basis.

xxx xxx xxx”

3. Learned Senior Counsel for the petitioner further relies upon Para 1 (b) of the Articles of the Association, which contains of the definition of the associated member, as follows:

“xxx xxx xxx

1. In these articles:-

xxx xxx xxx

*b) *‘Associate member’ means any Licentiate Member and holding valid Surveyor and Loss Assessor license continuously for a period not less than 8 years and fulfils other criteria set out in Surveyors Regulation - 15(1)(a)(ii).’*

xxx xxx xxx”

4. Learned Senior Counsel for the petitioner also relies upon Para 1 (f) of the Article of the Association of respondent no. 1, which reads as under:

“xxx xxx xxx

1. In these articles:-

xxx xxx xxx

*f) *‘Fellow member’ means any Associate Member and holding valid Surveyor and Loss Assessor license continuously for a period not less than 16 years and fulfils other criteria set out in Surveyors Regulation - 15(1)(a)(iii)’*

xxx xxx xxx”

5. Attention of this Court is also drawn to the definition of the licentiate member, as given in the Articles of the Association, as follows:

“xxx xxx xxx



1. In these articles:-

xxx xxx xxx

i) 'Licence' means the licence issued by IRDA under section 64UM of the Insurance Act 1938 to act as a Surveyor/ Loss Assessor and which is in force.

**i(a) 'Licentiate Member' means any person holding a valid license issued by the Authority to act as Surveyor and Assessor and fulfils other criteria set out in Regulation 15(1)(a)(i).*

xxx xxx xxx”

6. By referring to the aforesaid Articles of Association, learned Senior Counsel appearing for the petitioner submits that a licentiate member cannot be part of the Electoral College. It is only the fellow and associate members who could participate in the election of the respondent no. 1.

7. However, by drawing the attention of this Court to the Electoral College as filed in the present petition, it is submitted that even the licentiate members have voted in the election process and have also contested the elections, which could not have been done.

8. *Per contra*, learned counsel appearing for the respondent no. 1, i.e., IIISLA, submits that there is an alternate remedy in terms of the Regulations and Procedures for the conduct of elections to the Council of respondent no. 1, and relies upon Clause 5 of the same, which reads as under:

“xxx xxx xxx

5. Disputes

(a) If any dispute arises regarding the interpretation of the provisions of these regulations or regarding the validity of any election held under these regulations, it shall be referred to the Council of the Institute, who shall endeavour to resolve the same an early date, depending upon the exigency.

(b) If anybody is aggrieved by the decision of the Council, he may appeal to the IRDA whthin 7 days from date of its notification, setting forth his grievance and points of disagreement and that the decision of the IRDA there on shall be final and binding on all concerned.

xxx xxx xxx”



9. Responding to the same, learned Senior Counsel appearing for the petitioner submits that the petitioner has challenged the election process of the respondent no. 1 and that the Council of the Institute shall consist of the elected members. Thus, he submits that approaching the Council of the Institute, would not be an efficacious remedy, as that could amount to the member of the Council of the Institute, being judge in their own cause, as the petitioner is challenging the very election process, by which those elected members have been elected.

10. After some arguments, learned Senior Counsel appearing for the petitioner submits that the petitioner shall file a representation before the Insurance Regulatory and Development Authority of India, with regard to the subject matter, of the present petition.

11. Accordingly, liberty is granted to the petitioner to file a representation before the respondent no. 2, i.e., the Insurance Regulatory and Development Authority of India with regard to all the issues, as have been raised in the present writ petition.

12. Upon filing of the representation by the petitioner and after granting hearing to the petitioner by the respondent no. 2, in accordance with the Principles of Natural Justice, a speaking order shall be passed by the respondent no. 2. The aforesaid exercise shall be carried out by the respondent no. 2 expeditiously, preferably, within a period of two months, from today.

13. In case the petitioner is aggrieved by any order passed by the respondent no. 2, he is at liberty to seek remedies, in accordance with law.

14. It is clarified that this Court has not expressed its opinion on the merits of the case, as canvassed, on behalf of the petitioner.



15. All the rights and contentions of the parties are left open.
16. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 23, 2025

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