

ITEM NO.10 Court 9 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 534/2020

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY
PRIVATE LTD.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 132263/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 16-03-2021 The matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Narasimhan Vijayaraghavan, AC
Mr. Vipin Nair, AOR

For Petitioner(s)

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Ms. Mamta Meghwal, Adv.

For Respondent(s)

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Mr. Bhuvan Mishra, Adv.
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Ms. Sanya Sud, Adv.
Mr. Randeep Sachdeva, Adv.
Mr. Harish Nadda, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.

Arunachal Pradesh

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Chhattisgarh

Mr. Sourav Roy, Adv./Dy. Adv. Gen.
Mr. Mahesh Kumar, Adv.
Mr. Suushant Yadav, Adv.
Mr. Prabudh Singh, Adv.
Mr. Leela Dhar Prajapat, Adv.
Ms. Devika Khanna, Adv.
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M/s VMZ Chambers, AOR

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HP

Mr. Manish Kumar, Adv.
Mr. Satish Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

We must notice at the inception that considerable work has occurred on account of the *inter se* discussion between the stakeholders, coordinated by Mr. Jayant K. Sud, learned ASG. we do appreciate the positive attitude of all the stakeholders to streamline the process.

It is now agreed as per table I of the note submitted by learned ASG that the following agreed directions can be issued:

A. Accident Information Report-

The jurisdictional police station shall report the accident under Section 158(6) of the Act(Section 159 post 2019 amendment) (hereinafter "the report") to the tribunal and insurer within first 48 hours either over email or a dedicated website.

B. Detailed Accident Report-

Police shall collect the documents relevant to the accident and for computation of compensation and shall verify the information and documents. These documents shall form part of the Report. It shall email the Report to the tribunal and the insurer within three months. Similarly the claimants may also be permitted to email the application for compensation with supporting documents, under Section 166 to the tribunal and the insurer within the same time.

C. The tribunal shall issue summons

along with the Report or the application for compensation, as the case may be, to the insurer by email.

D. The insurer shall email their offer for settlement/response to the Report or the application for claim to the tribunal along with proof of service on the claimants.

E. After passing the award, the tribunal shall email an authenticated copy of the award to the insurer.

F. The insurer shall satisfy the award by depositing the awarded amount into a bank account maintained by the tribunal by RTGS or NEFT. For this purpose the tribunal shall maintain a bank account and record the relevant account details along with the directions for payment to the insurer in the award itself.

G. Each tribunal shall create an email ID peculiar to its jurisdiction for receiving the emails from the police and the insurer as mentioned above. Similarly, all insurer throughout India shall also create an email ID peculiar to the jurisdiction of each claim tribunal. These email IDs would be prominently displayed at tribunal, the police stations and the office of the insurers for the benefit of the claimants. Similarly, these email IDs shall also be prominently displayed on the website maintained by the tribunal and the insurer.

H. Insurers shall appoint nodal officers for each tribunal and provide their contact details, phone and mobile phone numbers, and email address to Director Generals of State Police and the tribunals.

We direct that the aforesaid directions will apply across the country so that a uniform practice is followed.

There are two other aspects which have been

noted as under:

(I) Tamil Nadu and NCT of Delhi have already progressed from having email accounts for submission of accident reports by the police to the tribunal and the insurer, to operating an online platform/website for submission of accident report under Section 159. These online platform/websites shall be suitably be modified for submission of claimants' application for compensation under Section 166 of the Act as well insurers' response to the accident report or the claim petition as the case may be.

(J) Each State having an independent online platform for submission of accident reports, claims and responses to claims, will hamper efficient adjudication of claims, especially where the victim of the accident is not a resident of State where accident has occurred. Therefore, Central Government shall develop an online platform accessible to the tribunals, police authorities and insurers throughout India.

In respect of the aforesaid matters, learned ASG states that some more time may be required to work out the time period within which they can be implemented and the necessary infrastructure for the same created for which some more discussions are required.

We are of the view that both (I) and (J) also liable to be implemented across the country but in pursuance to the discussions brought before us, we will specify the time period within which (I) and (J) have to be implemented.

List for further directions on 4th May, 2021.

Learned senior counsel for the petitioners Ms. Meenakshi Arora submis that inadvertently while handing

over the presences on 24.02.2021, the name of Mr. Jagdish Solanki was included, who is Manager (Legal) and not an Advocate. She submits that since Mr. Solanki has surrendered his Sanad, this mistake may cause some problem for him. She assures us that in future while giving presences due care will be taken. The presence in the order dated 24.02.2021 stands modified to the extent that the name of Mr. Jagdish Solanki stands deleted from that order.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)