

# VERDICTUM.IN

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ITEM NO.49

COURT NO.13

SECTION X

## S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

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. 121017/2022 - APPLICATION FOR EXEMPTION FROM PAYMENT OF COSTS, IA No. 52588/2020 - EX-PARTE AD-INTERIM RELIEF, IA No. 140335/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 121023/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 152377/2022 - EXEMPTION FROM FILING O.T., IA No. 121014/2022 - INTERVENTION/IMPLEADMENT, IA No. 140333/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Crl) No. 9264/2019 (II-C)  
(FOR ADMISSION and I.R.)

MA 194-195/2020 in C.A. No. 2476-2477/2019 (XIV-A)  
(FOR ADMISSION and IA No.182922/2019-INTERVENTION/IMPLEADMENT and IA No.182946/2019-INTERVENTION/IMPLEADMENT and IA No.182950/2019-RECALLING THE COURTS ORDER and IA No.176990/2019-RECALLING THE COURTS ORDER and IA No.176988/2019-APPLICATION FOR PERMISSION and IA No.182943/2019-APPLICATION FOR PERMISSION)

Date : 16-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMAR

Mr. N. Vijayaraghavan, Amicus Curiae  
Mr. Nikhil Menon, Adv.  
Mr. Vipin Nair, AOR  
Ms. M.B. Ramya, Adv.  
Mr. Mohd Aman Alam, Adv.

For Petitioner(s) Mr. Siddharth, AOR  
Mr. Anshul Saxena, Adv.  
Mr. Harshit Manwani, Adv.

Mr. Pankaj Singh, Adv.  
Mr. Jagdish Chandra, Adv.  
Mr. Niteen Kumar Sinha, AOR

Ms. T. Archana, AOR

Mr. Yusuf, AOR

For Respondent(s) Mr. S Prabakaran, Sr. Adv.  
Mrs. Usha Prabakaran, Adv.  
Mr. Maheswaran P, Adv.  
Dr. Ram Sankar, Adv.  
Mrs. Harini Ramsankar, Adv.  
Mr. M Naveen, Adv.  
Mr. Vasantha Kumar A, Adv.  
Mr. G Jai Singh, Adv.  
Mr. Muthu Ganesa Pandian, Adv.  
For M/S. Ram Sankar & Co, AOR

Mr. Vikramjit Banerjee, A.S.G. (N.P.)  
Mr. Gurmeet Singh Makker, AOR  
Mr. Siddhartha Sinha, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Ms. Garima Prasad, Adv.  
Mr. Bhuvan Mishra, Adv.  
Mr. Sughosh Subramanyam, Adv.

Ms. Prerna Singh, Adv.  
Mr. Guntur Pramod Kumar, AOR  
Mr. Gautam Bhatia, Adv.  
Mr. Samarth Luthra, Adv.  
Mr. Dhruv Yadav, Adv.  
Mr. Keshav Singh, Adv.

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

Mr. Manish Kumar, AOR  
Ms. Shaswati Parhi, Adv.  
Mr. Ravi Shanker Jha, Adv.

Mr. Nikhilesh Kumar, Adv.  
Mr. Srinivasan M Bogisam, Adv.  
Mr. Mukesh Gautam, Adv.  
Ms. Devika Khanna, Adv.  
Mrs. V D Khanna, Adv.  
For Mr. Vmz Chambers, AOR

Mr. Abhishek Atrey, AOR  
Ms. Vidyottma Jha, Adv.

Ms. Deepanwita Priyanka, AOR  
Mr. Prashant Bhagwati, Adv.

Dr. Monika Gusain, AOR

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Mr. Ravi Bakshi, Adv.  
Mr. Manvendra Pratap Singh, Adv.  
Mr. Rakesh Kumar, Adv.  
Mr. Pramod Dayal, AOR  
Ms. Sayma Feroz, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Rushab Aggarwal, Adv.  
Mr. Pashupathi Nath Razdan, AOR  
Ms. Maitreyee Jagat Joshi, Adv.  
Mr. Astik Gupta, Adv.  
Mr. Japnish Singh Bhatia, Adv.  
Ms. Ridhima J. Aggarwal, Adv.

Mr. Rahul Chitnis, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.  
Mr. Aditya Krishna, Adv.  
Mr. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.

Mr. Lenin Singh Hijam, Adv. Gen., Adv.  
Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Karun Sharma, Adv.  
Ms. Anupam Ngangom, Adv.  
Mr. R. Rajaselvan, Adv.

Mr. Avijit Mani Tripathi, AOR  
Mr. T.K. Nayak, Adv.  
Ms. Marbiang Khongwir, Adv.

Mr. Anando Mukherjee, AOR  
Mr. Shwetank Singh, Adv.  
Ms. Akshata Chhabra, Adv.

Ms. K. Enatoli Sema, AOR  
Ms. Limayinla Jamir, Adv.  
Mr. Amit Kumar Singh, Adv.  
Ms. Chubalemla Chang, Adv.  
Mr. Prang Newmai, Adv.

Mr. Som Raj Choudhury, AOR  
Ms. Shrutee Aradhana, Adv.  
Mr. Prashant Kumar, Adv.

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Mr. Vivek Jain, D.A.G.  
Mr. Siddhant Sharma, AOR  
Mr. Rajat Jain, Adv.

Mr. Shiv Mangal Sharma, A.A.G.  
Mr. Milind Kumar, AOR

Mr. Sameer Abhyankar, AOR  
Mr. Kushagra Aman, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Aakash Thakur, Adv.

Mr. Sabarish Subramanian, AOR  
Mr. C Kranthi Kumar, Adv.  
Mr. Vishnu Unnikrishnan, Adv.  
Mr. Naman Dwivedi, Adv.  
Mr. Chandra Bhushan Tiwari, Adv.  
Mr. Danish Saifi, Adv.  
Mr. Sarathraj B, Adv.

Mr. D. Kumanan, AOR  
Mrs. Deepa. S, Adv.  
Mr. Sheikh F. Kalia, Adv.

Mr. S. Udaya Kumar Sagar, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Saurabh Tripathi, Adv.

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyan, Adv.  
Mr. Manoj Kumar Sharma, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Yashasvi Virendra, Adv.

Mr. Himanshu Chakravarty, Adv.  
Ms. Astha Sharma, AOR  
Ms. Muskan Surana, Adv.

Mr. K M Nataraj, A.S.G. (N.P.)  
Mrs. Aishwariya Bahti, A.S.G. (N.P.)  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Piyush Beriwal, Adv.  
Mr. Harish Pandey, Adv.  
Mr. Neeraj Kumar Sharma, Adv.  
Ms. Indira Bhakar, Adv.  
Mr. Rajesh Singh Chauhan, Adv.  
Mrs. Ruchi Kohli, Adv.  
Mrs. Garima Prasad, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Mr. Manish, Adv.

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Mr. Neeraj Kumar Sharma, Adv.  
Mr. Shashwat Parihar, Adv.  
Mr. S.N. Terdal, AOR, Adv.  
Mr. Arvind Kumar Sharma Adv.

Mr. Aravindh S., AOR  
Mr. Akshay Gupta, Adv.

Mr. Arjun Garg, AOR  
Mr. Aakash Nandolia, Adv.  
Ms. Sagun Srivastava, Adv.  
Ms. Kriti Gupta, Adv.

Dr. Monika Gusain, AOR

Ms. Kavita Jha, AOR  
Mr. Rajeev Kumar Jha, Adv.  
Mr. Aditeya Bali, Adv.

Mr. Deepayan Mandal, AOR  
Mr. Mridul Bansal, Adv.  
Mr. Naman Varma, Adv.

Mr. Ashwarya Sinha, AOR  
Ms. Priyanka Sinha, Adv.

M/S. Acme Legal, AOR

Mr. Deepak Prakash, AOR  
Mr. Pawan Kr. Dabas, Adv.  
Mr. Sriram P., Adv.  
Mr. Vishal Somany, Adv.  
Mr. Kamal Singh Bisht, Adv.  
Mr. Raneev Dahiya, Adv.  
Mr. Nachiketa Vajpayee, Adv.  
Ms. Divyangna Malik, Adv.  
Ms. Vishnu Priya, Adv.  
Ms. Merlyn J. Rachel, Adv.  
Mr. Vardaan Kapoor, Adv.  
Mr. Rahul Lakhera, Adv.  
Mr. Rahul Suresh, Adv.  
Ms. Manshi Sinha, Adv.

Mr. K. K. Mohan, AOR  
Mr. Ashish Kumar Tiwari, AOR

Mr. Purvish Jitendra Malkan, AOR  
Mr. Alok Kumar, Adv.  
Mr. Kush Goel, Adv.  
Mr. Ryan Singh, Adv.  
Mr. Suraj Pandey, Adv.

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Mr. Nishit Agrawal, AOR  
Ms. Kanishka Mittal, Adv.  
Ms. Vanya Agrawal, Adv.

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

SLP(Crl) No. 9264/2019 & MA 194-195/2020 in C.A. No. 2476-2477/2019:

1. Applications for impleadment are allowed.
2. The grievance of the petitioner and applicant is that Rule 150A of the Central Motor Vehicles (Amendment) Rules, 2022 (for short, 'the Rules') along with its Annexure XIII might come in the way of the Court exercising its power under Sections 168, 169 and 176 of the Motor Vehicles Act, 1988 (for short, 'the Act').
3. Mr. S Prabakaran, Senior Counsel appearing for the petitioner submitted that Rule 36 is unwarranted as it will not facilitate a claimant to receive the money which he is entitled to, in a lumpsum, particularly in a case where the dispute is resolved through mediation.
4. As rightly submitted by Mr. N. Vijayaraghavan, learned Amicus, that Rule 150A merely deals with the procedure for the investigation of a road accident. Thus, it has no connection with the parent statutes, namely, Sections 166, 168, 169 and 176 of the Act. The said Rule has got a laudable objective, and has to be read along with Section 159 of the Act by which the information given regarding an accident would be treated as a complaint. It also addresses the question of limitation that might arise after the period of limitation has lapsed.

5. We may also note that the aforesaid position of the compliance of Rule 150A read with Section 159 of the Act being incidental and ancillary in a claim petition has been made amply clear by sub-Section 4 of Section 166 of Act.
6. Rule 21 is extracted as under:

“21. Claims Tribunal shall treat DAR as a claim petition for compensation under sub-section (4) of section 166 of the Motor Vehicles Act, 1988

(1) The Claims Tribunal shall treat the DAR filed by the Investigating Officer as a claim petition under sub-section (4) of section 166 of the Motor Vehicles Act, 1988. However, where the Investigating Officer is unable to produce the claimant(s) on the first date of hearing, the Claims Tribunal shall register the DAR as a claim petition after the appearance of the claimant(s).

(2) Where the claimant(s) have filed a separate claim petition, the DAR may be tagged along with the claim petition.

(3) If the Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has not been filed at the time of filing of the DAR, the Claims Tribunal may either wait till filing of the Report under Section 173 of the said Code of Criminal Procedure or record the statement of the eye witness(es) to satisfy itself with respect to the negligence before passing the award.

(4) The Claims Tribunal shall register the FAR as a Miscellaneous application and the IAR as well as DAR shall be taken on record in the same Miscellaneous application.”

7. Rule 21 states that the DAR report has to be treated as a claim petition within the purview of Section 166(4) of the Act. Therefore, the provisions quoted above are certainly pieces of welfare legislation meant for the benefit of the litigant. Upon material being placed before the Court, a lawyer representing the claimant would be in a better position to seek adequate compensation as the litigant would also get a copy of the DAR Report. Thus, we do not find anything contrary to Act that has been stated under Rule 150A.
8. The other apprehension expressed by Mr. N Prabakaran, is that Rule 36 completely debars the claimant from receiving a payment in lumpsum, awarded to a needy claimant. Rule 35 gives ample discretion to the Tribunal to adopt an appropriate mechanism for the release of the award amount to the claimant. Rule 36 has to be read with Rule 35 for the purpose of the Tribunal exercising its discretion.
9. To clarify the aforesaid position, it is for the Tribunal in a given case to make a decision as to whether the entire amount has to be released or if it is to be released in part. Suffice it is to state that the Tribunal is expected to give its own reasoning while undertaking such an exercise.
10. With the aforesaid clarification, the Special Leave Petition and the Miscellaneous Application stand disposed of.
11. Pending application(s), if any, shall stand disposed of.



**W.P.(C) No. 534/2020:**

Learned counsel appearing for the respective respondents and the States are directed to give their response to paragraph 6 of the suggestions made by the Union of India in their report filed today. The said suggestions will have to be sent to learned Amicus Curiae within a period of four weeks from today.

List the matter on 03.09.2024. at 2.00 PM.

**(SWETA BALODI)  
COURT MASTER (SH)**

**(POONAM VAID)  
COURT MASTER (NSH)**