Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 20532-546 Genl./MACT.Rept./HCS/2021 Dated, Delhi the 18 OCT 2021

Circulation of copy of Order dated 16.03.2021 regarding implementation of directions issued by Hon'ble Supreme Court of India in Writ Petition (Civil) No. 534 of 2021 titled as "Bajaj Allianz General Insurance Co. Ltd. Vs/ Union of India & Ors" for compliance.

1. All the Ld. Principal District & Sessions Judges, Delhi, New Delhi (except Central District).
2. The Ld. Presiding Officers, Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi.
3. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
4. The Ld. Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. PS to Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.
7. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
8. For uploading the same on Centralized Website through LAYERS.

Digitally signed by RAKESH PANDIT
Date: 2021.10.16 17:44:52 +05'30'

(RAKESH PANDIT)
Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi

Encls. As above.

5778

12 OCT

To

Date: 12/10/2021

Hon'ble Sh. Girish Kathpalia,
Principal, District & Sessions Judge (HQs),
Tis Hazari Court Complex,
Kamla Nehru Ridge, Bhiku Ram Jain Marg,
Rajpur Rd, Civil Lines,
New Delhi – 110054

Subject: - Regarding implementation of directions issued by Hon'ble Supreme Court of India vide Order dated 16-03-2021 in WP(C) 534/2020 titled Bajaj Allianz General Insurance Co Ltd v/s Union of India & Ors.

The Hon'ble Supreme Court of India has passed slew of directions vide dated 16-03-2021 in WP(C) 534/2020 titled Bajaj Allianz General Insurance Co Ltd v/s Union of India & Ors (copy annexed) for speedy disposal of motor accident claims and to adopt uniform procedure throughout the country.

The Hon'ble Supreme Court has stipulated below processes for claims filed before the Hon'ble Motor Accident Claim Tribunal as under:-

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.

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. 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.

DIC (Genl.)
Seen. Be circulated amongst all MACTs across all districts through respective PDSJs. for compliance.
16.10.21

Put up again on 16.10.21 06:30pm
PDSJ (HQs)
12/10/21

The directions which shall be complied by Insurance Company are as under:-

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.

H. The insurer shall satisfy the award by depositing the awarded amount into a bank account maintained by the tribunal by RTGS or NEFT.

G. 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 Tribunal.

In order to comply the directions (H), kindly find detail as under: -

State	Nodal Officers	Company Office Address	Phone No	Email ID
Delhi	Vikash Kumar Goyal	Bajaj Allianz General Insurance Company Limited 7th Floor, DLF Towers, Moti Nagar, 15,Shivaji Marg, New Delhi 110015	8588890476	claimslegal@bajajallianz.co.in

It is, therefore, requested to circulate the above details along with copy of the order dated 16-03-2021 to all Motor Accident Claims Tribunal in order to comply the directions passed by Hon'ble Supreme Court as mentioned above in it's true spirit. With due respect, we want a meeting with lordship in this regard. Plz give us suitable time for the same on 21.10.21 or 22.10.21

Enclose:- As stated

1. Copy of Order dated 16-03-2021

Regards,
Vikash Kumar Goyal
Bajaj Allianz General Insurance Co Ltd
7th Floor, DLF Towers
Moti Nagar, Shivaji Marg, New Delhi
8588890476

Mohd. Raghib Advocate
Mob: 9873139692

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ITEM NO.10 Court 9 (Video Conferencing) SECTION X

SUPREME COURT OF INDIA
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. 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)
Ms. Meenakshi Arora, Sr. Adv.
Mr. Siddharth, AOR
Mr. Amit Kumar Agrawal, Adv.
Ms. Mamta Meghwal, Adv.

For Respondent(s)
Mr. J.K. Sud, Ld. ASG
Ms. Garima Prashad, Adv.
Mr. Bhuvan Mishra, Adv.
Mr. Navanjay Mahapatra, Adv.
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.
Mrs. V.D. Khanna, Adv.
M/s VMZ Chambers, AOR

Signature Not Verified
Digitally signed by Charanjeet Kaur
Date: 2021.03.17 18:26:10 IST
Reason:

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Gujarat	Mr. Satyalipsu Ray, Adv. Ms. Deepanwita Priyanka, Adv. Mr. Aniruddha P. Mayee, AOR Mr. Raj Kamal, AOR
Maharashtra	Mr. Rahul Chitnis, Adv. Mr. Sachin Patil, AOR Mr. Aaditya A. Pande, Adv. Mr. Geo Joseph, Adv.
Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ng., Adv. Mr. Karun Sharma, Adv.
Meghalaya	Mr. Avijit Mani Tripathi, AOR Ms. T.K. Nayak, Adv.
Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Bansuri Swaraj, Adv. Mr. Divyansh Tiwari, Adv. Ms. Ana Upadhyay, Adv. MR. Nirnimesh Dube, AOR Mr. Som Raj Choudhury, AOR
Tamil Nadu	Mr. Jayanth Muth Raj, Sr. Adv. AAG Mr. Yogesh Kanna, AOR Mr. RajaRajeshwaran S., Adv. Mr. Aditya Chadha, Adv. Mr. Uma Prasuna Bachu, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, AOR Ms. Sweena Nair, Adv.
GNCTD	Mr. Chirag M. Shroff, AOR Ms. Abhilasha Bharti, Adv. Mr. Sushant Dogra, Adv.
Puducherry	Mr. V.G. Pragasam, AOR Mr. S. Prabhu Ramasubramanian, Adv.
Nagaland	Ms. K Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Apratim Aniesh Thakur, Adv. Ms. Prachi Hasija, Adv.

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Uttar Pradesh	Mr. Pradeep Misra, Adv. Mr. Suraj Singh, Adv.
UT/Andaman & Nicobar Islands	Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Kerala	Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv. Mr. G. Prakash, AOR
Goa	Mr. Ravindra A. Lokhande, Adv. Dr. Abhishek Atrey, AOR Ms. Ambika Atrey, Adv.
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Kabir Shankar Bose, Adv.
GNCTD	Mr. Chirag M Shroff, Adv. Ms. Abhilasha Bharti, Adv. Mr. Sushant Dogra, Adv.
Haryana	Dr. Monika Gusain, AOR
Andhra Pradesh	Mr. Mahfooz Ahsan Nazki, AOR Ms. Polanki Gowtham, Adv. Mr. Shaik Mohamad Haneef, Adv. Mr. T. Vijaya Bhaskar Reddy, Adv. Mr. Amitabh Sinha, Adv. Mr Shrey Sharma, Adv.
Rajasthan	Mr. Vishal Meghwal, Adv. Mr. Milind Kumar, AOR
West Bengal	Mr. Soumitra G. Chaudhuri, Adv. Mr. Chanchal Kumar Ganguli, Adv.
Puducherry	Mr. V.G. Pragasam, Adv. Mr. S. Prabhu Ramasubramanian, Adv.
Assam	Mr. Nalin Kohli, AAG/Adv. Mr. Shuvodeep Roy.AOR Mr. Rahul Raj Mishra, Adv. Mr. Ankit Roy, Adv.
Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
Karnataka	Mr. V.N. Raghupathy, AOR Mr. Md. Apzal Ansari, Adv.

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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) (hereinatfer "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

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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

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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

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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)