



\$~76

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

+ **W.P.(C) 10708/2024**

**FORUM OF CORPORATE SURVEYORS AND LOSS  
ASSESSORS**

.....Petitioner

Through: **Mr. Sougat Mishra, Ms. Nitika Duhan  
and Mr. Shivam Mishra, Advocates.**

versus

**INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS  
ASSESSORS AND ANR**

.....Respondents

Through: **Mr. Prithu Garg, Mr. Parth Bhatia and  
Mr. Shivam Singh, Advocates for R-  
1.**

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

%

**02.08.2024**

**CM APPL. 44078/2024 (for exemption from filing types/ clear copies of  
handwritten/ dim/ lack of margin/ underlined/ highlighted annexures  
along with the affidavit)**

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

**CM APPL. 44079/2024 (seeking exemption from filing lengthy synopsis  
and list of dates along with the affidavit)**

4. Allowed, subject to all just exceptions.
5. Disposed of.



**CM APPL. 44077/2024 (for interim relief)**

6. The grievance of the Petitioner, as espoused in the present petition, stems from notices dated 26<sup>th</sup> April, 2024, 08<sup>th</sup> May, 2024 and 14<sup>th</sup> May, 2024,<sup>1</sup> issued by Respondent No. 1/ Respondent No. 1/Indian Institute of Insurance Surveyors and Loss Assessors.<sup>2</sup>

7. The Petitioner, a Forum of Corporate Surveyors and Loss Assessors,<sup>3</sup> comprises of individuals in the capacity of partners, directors, employees, associates and affiliates, all of whom are Surveyor and Loss Assessors.<sup>4</sup> As per the Insurance Regulatory and Development Authority Act, 1999,<sup>5</sup> and Insurance Regulatory and Development Authority of India (Insurance Surveyors & Loss Assessors) Regulations, 2015,<sup>6</sup> there are two forms of SLAs i.e., ‘Individual SLA’ and ‘Corporate SLA’. These individuals/entities are registered and granted license to practice as SLAs by Respondent No. 2/Insurance Regulatory and Development Authority of India.<sup>7</sup> The role Respondent No. 1 is to further grant membership to the SLAs who have received their licenses from Respondent No. 2.

8. Through the impugned notices, Respondent No. 1 enabled the annual membership renewal portal for Individual and “Independent SLAs”. Since this notice only prescribes Independent SLAs for renewal of their annual membership, Individual SLAs who are associated with Corporate SLAs have not only been denied to pay their annual membership renewal fee but they have also been instructed to provide additional information.

---

<sup>1</sup> collectively, “impugned notices”

<sup>2</sup> “IIISLA”

<sup>3</sup> “FOCSLA”

<sup>4</sup> “SLAs”

<sup>5</sup> “IRDA Act”

<sup>6</sup> “Surveyor Regulations”



9. The members of the Petitioner's forum are now at the risk of losing their membership with Respondent No. 1 which is a statutory requirement under Section 64UM of the Insurance Act, 1938, read with Regulation 15 of the Surveyor Regulations. They, therefore, seek stay of the operation of the impugned notices.

10. In the above background, counsel for Petitioner submits that the additional information through the impugned notices is irrelevant and has a potential to halt the Individual SLAs associated with Corporate SLAs. Moreover, the impugned notices have created a new category of SLAs – "Independent SLA"- a term that is undefined by the law or by-laws of Respondent No. 1 and through the conduct of Respondent No. 1 the term seems to include all Individual SLAs who are not associated with Corporate SLAs. The said practice is arbitrary and discriminatory as the same conditions have not been imposed on Individual SLAs who are not connected with Corporate SLAs.

11. The Court has patiently heard the counsel for the Petitioner and also perused the additional information sought by Respondent No. 1, which is the gravamen of the Petitioner.

12. The additional information required from Applicant is delineated in a form which is annexed with impugned notice dated 08<sup>th</sup> May, 2024. This form requires the applicant to furnish information relating to the organisation/ company with whom they are associated. In particular, reference is made to a column which requires the applicant to disclose the details of any close relations/ relatives doing survey works/ pre inspection/ contract survey etc. However, this information, according to the candid

---

<sup>7</sup> "IDRAI"



admission of the counsel for Petitioner, is already furnished by the members of the Petitioner's organisation to IRDAI. Apart from that, the entire application form only seeks certain details which, in the opinion of the Court, cannot be found to be oppressive or a breach of any privacy.

13. During the course of the submissions, counsel for the Petitioner, stated that prior to these impugned notices, the membership was being renewed simple by remittance of the amount with Respondent No. 1 and there was no such requirement of filing of any application. In the opinion of the Court, if Respondent No. 1 is now putting the mechanism for seeking additional information, it is perhaps only to have further transparency which is expected of a professional body keeping in mind that this membership is not voluntary but a requirement of the statute. Therefore, at this stage, the Court is not inclined to grant any stay of the impugned notifications.

14. It is further pointed out that the time period for renewing the membership has lapsed. Considering the fact that this would have serious ramifications for the Petitioner, it is directed that if the Petitioner were to furnish the requisite information along with the necessary fees within a period of ten days from today, Respondent No. 1 shall accept the same and process in accordance with law. The furnishing of the information will be subject to the outcome of the present petition. In the event, the Court finally concludes that this information is "irrelevant" or "arbitrary" as projected by the Petitioner, suitable directions shall be issued at that stage.

15. With the above directions, the present application is disposed of.

**W.P.(C) 10708/2024**

16. Issue notice. Mr. Parth Bhatia, counsel accepts notice on behalf of Respondent No. 1.



17. Counter affidavit be filed within four weeks from today. Rejoinder, if any, be filed within two weeks thereafter.
18. Issue notice to Respondent No. 2, upon filing of process fee, by all permissible modes, returnable before the next date of hearing.
19. List on 10<sup>th</sup> December, 2024.

**SANJEEV NARULA, J**

**AUGUST 2, 2024**

*nk*