



**ORDER**

**20-06-2024**

That pursuant to the Order dated 26.08.2022 passed by the Hon'ble High Court of Madras in W.P. No. 17671/ 2020 and based on your application for grant of membership in IIISLA, documents available on record, Insurance Regulatory and Development Authority (Insurance Surveyors and Loss Assessors) Regulations, 2015 (*hereinafter referred to as the "Regulations 2015"*) and the Articles of Association of IIISLA (*hereinafter referred to as the "AOA"*), the following order is being passed:

1. That as you are aware, IIISLA is a membership-based organization and offers four levels of membership being Student Member, Licentiate Member, Associate Member and Fellow Member. The said levels of membership are granted depending upon the experience of a licensed surveyor and loss assessor, except the student membership which is granted to a person who is freshly enrolled in IIISLA and are a determining factor for deciding upon the eligibility of a licensed surveyor and loss assessor to undertake a particular category of insurance survey and loss assessment.
2. That a combined reading of the Insurance Regulatory and Development Authority (Insurance Surveyors and Loss Assessors) Regulations, 2015 and the Articles of Association of IIISLA shows that Licentiate membership is granted to an insurance surveyor and loss assessor who holds a valid license issued by Insurance Regulatory and Development Authority ("**IRDAI**"). Further, Associate membership is granted to an insurance surveyor and loss assessor who holds a valid license issued by IRDA for a continuous period of not less than 8 years and Fellow membership is granted to an insurance surveyor and loss assessor who holds a valid license issued by IRDA for a continuous period of not less than 15 years.
3. That the Regulations, 2015 and the AOA of IIISLA also deal with the situation where the license granted by IRDA to an insurance surveyor and loss assessor has expired causing a break in the continuous period required for the purposes of membership. The Regulation 6 of Regulations, 2015 clearly stipulates that an insurance surveyor and loss assessor is required to submit an application for renewal of his license thirty days prior to its expiry or before the expiry along with payment of additional fee. Further, the IRDA under the Regulation 6 of



Regulations, 2015 is empowered to accept the application for renewal of a license thirty days prior to its expiry along with payment of additional fee. Further, the IRDA under the Regulation 6 of Regulations, 2015 is empowered to accept the application for renewal of a license after its expiry if such application is made within six months of its expiry and if any undue hardship would be caused otherwise. The Regulation 6(1) of the Regulations, 2015 clearly states that if an application for renewal of license is not received within the time specified i.e. six months, the license shall cease to exist and in such a case, any application made after six months can be treated by IRDA as a fresh license application and processed under Regulation 3 of the Regulations, 2015. Hence, it is clear that in case an application for renewal is not made within six months of expiry of the license, the person ceases to be a valid license holder and therefore, a Licentiate, Associate, or Fellow member of IISLA and is required to apply fresh as a Student member.

4. That in the present case, your license expired in the year 2009 while you only applied for renewal of your license in November 2019 i.e. after a period of more than 10 years, in blatant ignorance to the provisions of the Regulations, 2015 and the AOA of IISLA. Further, you also failed to inform IISLA about the expiry of your license. It is pertinent to mention here that you joined IISLA on 06.03.2006 and was allotted the membership number A/S/05027.
5. That pursuant to the directions of the Hon'ble High Court of Madras passed in W.P. No. 17671/ 2020, IISLA vide email dated 26.10.2022 directed you to appear for personal hearing on 27.10.2022 which was headed by the then President, IISLA. In the said meeting, you were directed to furnish written submissions in support of your case and your contentions were duly examined by IISLA. Further, on 03.11.2022, IISLA vide letter dated 03.11.2022 directed you to furnish certain information to enable IISLA to examine the consequences of expiry of your license for the purposes of passing a final order in your case. In response to the aforesaid letter dated 03.11.2022, you submitted a vague reply dated 10.11.2022 wherein you failed to furnish the information sought by IISLA. After issuing the said reply, you did not make any further communication to IISLA providing the necessary information and after nearly one year, you got issued the legal notice dated 03.11.2023 upon IISLA demanding grant of Fellow membership of IISLA followed by the Contempt Petition bearing CONT No. 260/ 2024 before Hon'ble High Court of Madras.
6. That during pendency of the aforesaid Contempt Petition bearing CONT No. 260/2024 before Hon'ble High Court of Madras, one more opportunity of



hearing was granted to you and in this regard personal hearing through video conferencing mode was granted to you on 29.04.2024 at 11:00 Hrs. However, you requested to postpone the said hearing and requested the Council to provide a fresh date giving you minimum 7 days period time. Hence, you were advised vide email dated 01.05.2024 to provide a suitable date to as per your convenience to rearrange the hearing but you failed to do so.

7. That IIISLA is not obligated to grant a particular category of membership to a person merely based on the application submitted by such person under a particular category. IIISLA is empowered to process the application for membership in accordance with its AOA and thereafter, grant the membership to the desiring person as per his or her eligibility.
8. That based on the documents available on record and after carefully going through the same, it is hereby ordered that you are not eligible for the grant of Fellow Membership owing to your failure to apply for renewal of your license before IRDA within the stipulated period of six months. In fact, no reasons have been provided by you for the delay of about ten years in applying for the renewal of your license before the IRDA and hence, your case is to be dealt under the provisions contained in Regulation 6 of the Regulations, 2015 meaning thereby you are entitled to apply afresh for the student membership of IIISLA under Regulations. 2015.

Ordered accordingly.



Rishi Partap Bhasin  
President  
IIISLA

