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

+ W.P.(C) 11462/2019

JAWAHAR LAL TIKU & ORS Petitioners

Through Mr.Ashish Mohan and Mr.Kushal
Kumar, Advs.

versus

INSURANCE REGULATORY &
DEVELOPMENT AUTHORITY OF
INDIA & ORS.

..... Respondents

Through Mr.Deepak K. Nag, Adv. for R-1 & 2.
Mr. S.K. Dubey and Mr.Rajmangal Kumar, Advs.
for R-4.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.06.2020

This hearing is conducted through Video-Conferencing.

CM Appl. Nos. 12252-53/2020 (exemption)

The applications are allowed subject to all just exceptions.

CM Appl. No. 12251/2020

1. Issue notice.
2. Learned counsel for the respondents accepts notice.
3. This application is filed seeking the following reliefs:-

“a. Allow the present Application under Section 151 of the Civil
Procedure Code;

b. Pass an order restraining the Respondents from carrying out any act in contravention of the Articles of Association, Memorandum of Association and the Insurance Regulatory and Development Authority of India (Insurance Surveyors and Loss Assessors) Regulations, 2015;

c. Pass any order granting injunction on the Notices dated 16.01.2020 and 30.05.2020 for upgradation of membership and on Order dated 18.05.2020 regarding the penalty imposed against the Applicant/Petitioner no.4;

d. Pass an order directing the Council of Respondent No. 4 to implement the provisions of RPCEC;”

4. Learned counsel for the petitioners has confined the relief presently only for the following two aspects.

5. He firstly submits that the term of the EC is expiring in July and the process of fresh elections should have been commenced by now. However, he submits that it appears that respondent No. 4 has not taken any steps in this regard.

6. Secondly, he submits that during the pendency of these proceedings, to harass the petitioners, the membership of petitioner No. 4 has been terminated on 18.05.2020 by respondent No. 4. He submits that this termination has grave consequences and prohibits petitioner No. 4 from carrying on his professional activities as a surveyor.

7. Learned counsel appearing for respondents No. 1 and 2 has pointed out that there is a batch of writ petitions pending in this court regarding the power of respondent No. 4 to terminate the membership of surveyors. He submits that these matters are coming up sometimes in July and that interim orders have been passed against such termination orders.

8. Learned counsel for the petitioners points out that the interim orders have been passed on 25.08.2017 in W.P. (C) 6642/2017.

9. Learned counsel for respondent No. 4 submits that as far as elections are concerned, steps are being taken. Regarding termination of the membership of petitioner No. 4, he submits that the same is legal and bona fide. Further, an appeal has been filed by petitioner No. 4 against the order of termination itself.

10. As far as the termination order dated 18.05.2020 passed against petitioner No. 4 is concerned, keeping in view the interim orders already passed on 25.08.2017, the said termination order shall remain stayed. However, this is without prejudice to the rights and contentions of the parties in the matter which is pending before the Appellate Authority. The Appellate Authority is free to adjudicate the appeal filed by the petitioner No. 4 uninfluenced by any observations made by this court.

11. As far as the elections of the EC are concerned, learned counsel for respondent No. 4 states that he will take instructions in this regard.

12. To enable the learned counsel for respondent No.4 to take instructions, list on 07.07.2020.

13. Reply be filed by the respondents before the next date of hearing.

JAYANT NATH, J

JUNE 16, 2020

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