

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

Petition for Special Leave to Appeal (C) No. 1110/2017
(Arising out of impugned final judgment and order dated 07-10-2015
in CR No. 49/2015 passed by the High Court Of Judicature at
Allahabad, Lucknow Bench)

SAFIQ AHMAD

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. . & ORS. Respondent(s)

IA No. 141759/2018 - CLARIFICATION/DIRECTION
IA No. 77754/2018 - CLARIFICATION/DIRECTION
IA No. 67360/2018 - EXEMPTION FROM FILING O.T.
IA No. 24664/2020 - INTERVENTION APPLICATION
IA No. 3912/2020 - INTERVENTION/IMPLEADMENT
IA Diary No. 128255/2021
WITH
SLP(C) No. 6443/2019 (IV-B)

Date : 05-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Parties

Mr. Anjani Kumar Mishra, AOR
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Ms. Sandhya Pandey, Adv.

Mr. Siddharth, AOR

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Mr. Daanish Ahmed Syed, Adv.
Mr. Mohd. Parvez Dabas, Adv.
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Mr. Venkitasubramoniam T.R., Adv.
Mr. Likhi Chand Bonsle, Adv.
Ms. Komal Mundhra, Adv.

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Mrs. G. Indira, AOR
Ms. Haibila Nana, Adv.

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

I.A. No.24664/2020 stands allowed and the applicant in the I.A. is permitted to intervene in the matter. In view of allowing the I.A. No.24664/2020, I.A. Diary No.128255/2021 stands disposed of as having become infructuous.

A request is made on behalf of Shri Praveen Agrawal, learned counsel, who is representing the Bar Council of U.P. to discharge him as he is not getting any instructions from the Bar Council of U.P. It is very unfortunate that in such a serious matter, where the allegations are of filing of fake claim petitions in which the advocates are also alleged to have been involved, the Bar Council of U.P. is not giving instructions to their advocate. It shows the callousness and insensitiveness on the part of the Bar Council of U.P. Shri Manan Kumar Mishra, learned senior counsel and Chairman Bar Council of India to look into the same.

A supplementary affidavit dated 30.09.2021 has been filed on behalf of the State of U.P. The affidavit is filed bringing on record the S.I.T. Report. The S.I.T. was constituted in compliance of the order dated 07.10.2015 passed by the Allahabad High Court, Lucknow Bench in Civil Revision Petition No.49 of 2015. It has been stated that the ICICI Lombard General Insurance Company Limited forwarded cases of suspicious claims related to various insurance companies forwarded by the learned District Judge,

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Raebareli, cases referred to the S.I.T. by various courts and the High Court of Allahabad, Lucknow Bench, cases of suspicious claims of Motor Accident Claims Tribunal and Workmen Compensation Act referred to by various Insurance Companies. The S.I.T. has received total 1376 complaints/cases of suspicious claims. It is stated that out of total 1376 cases of suspicious claims received by the Special Investigation Team, U.P, Lucknow, enquiry of 246 cases of suspicious claims has been completed till date and after having found prima facie offence of cognizable offence in nature against total 166 accused persons which includes petitioners/applicants, advocates, police personnel, doctors, insurance employees, vehicle owners, drivers etc. and total 83 criminal complaints have been registered in various districts. It is stated that the enquiry of remaining cases of suspicious claims is underway. It is also stated that out of total criminal complaints registered so far, investigation of 33 criminal cases has been completed and legal process of submitting charge sheet against the accused persons is underway. It is further stated that investigation of remaining cases is in progress by the S.I.T., which will be completed as soon as possible.

It is required to be noted that S.I.T was constituted under Special Enquiry Headquarters, U.P. Lucknow pursuant to the order passed by the Allahabad High Court for conducting enquiry and investigation of the cases related to causing loss in crores of rupees to the insurance companies by way of submitting fake claims under Motor Accident Claims Tribunal and Workmen Compensation Act

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as back from 2015 and despite the same, the investigation/enquiry has not been completed till date and out of total 1376 cases of suspicious claims received by the Special Investigation Team, U.P, Lucknow, the enquiry has been completed only with respect to 246 cases of suspicious claims and only 83 criminal complaints have have been registered in major districts. Even the investigation has been completed with respect to only 33 criminal cases and even the Charge Sheet has not been filed till date and it is stated that the legal process of submitting charge sheet against the accused person is underway. It is very unfortunate that even the Special Investigation Team has not taken the prompt action and has not completed investigation/enquiry. The manner and the speed in which the enquiry is going on and is underway is deprecated.

The State of U.P./S.I.T. is hereby directed to file a better affidavit in a sealed cover with respect to complaints filed/enquiry completed, the names of the accused, where the criminal complaints are filed and in which criminal cases the charge sheets have been filed. On a separate sheet, the names of the advocates against whom the prima face cases of cognizable offences have been found to be disclosed in a sealed cover so that the list can be sent to the Bar Council of India for further action. As such it is the duty of the Bar Council of the State to take action against the advocates who are found to have been indulged in such unethical manner by filing the fake claims under the Motor Accident Claims Tribunal and Workmen Compensation Act.

As observed herein above, it appears that Bar Council of State

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is not interested in taking action and, therefore, now the Bar Council of India has to step in and take appropriate action against the erring advocates, who are found to have indulged into filing of such fake claims. Such Report shall be filed by the S.I.T in a sealed cover before this Court on or before 15.11.2021.

Put up on 16.11.2021.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER