

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
Ms. Hardeep Kaur Mishra, Adv.
Mr. Praveen Mishra, Adv.
Ms. Sandhya Pandey, Adv.

Mr. Siddharth, AOR

Mr. Manan Kumar Mishra, Sr. Adv.

Ms. Rachna Gandhi, Adv.
Ms. Rachana Srivastava, AOR

Ms. Radhika Gautam, AOR

Ms. Stanzin, Adv.
Mr. Praveen Agrawal, AOR

Mr. Devendra Singh, AOR
Mr. Naresh K. Sharma, AOR

Mr. A. Selvin Raja, Adv.
Mr. Aniruddha P. Mayee, AOR

Mr. Anil K. Jha, AOR

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Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Chanchal Kumar Ganguli, AOR
Mr. Sibho Sankar Mishra, AOR

Mr. K.S. Mahadevan, Adv.
Ms. Swati Bansal, Adv.
Mr. Rajesh Kumar, AOR

Mr. Avneesh Arputham, AOR
M/S. Arputham Aruna And Co, AOR

Mr. Arjun Garg, AOR

Mr. Navneet Kumar, Adv.
Mr. Vikas Bhadana, Adv
Mr. Mohit Kumar, Adv.
Mr. Parijat Kishore, AOR

Mr. Ambhoj Kumar Sinha, AOR

Mr. V. N. Raghupathy, AOR
Mr. Md. Apzal Ansari, Adv.

Mr. Sanjai Kumar Pathak, AOR
Ms. Shashi Pathak, Adv.

Mr. Suvendu Suvasis Dash, AOR
Mr. T. R. B. Sivakumar, AOR

Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.
Mr. Vinay Mathew, Adv.

Mr. Annam D. N. Rao, AOR
Mr. A. Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Ms. Ananya Khandelwal, Adv.
Ms. Sangeetha MR, Adv.
Ms. Agrimaa Singh, Adv.

Mr. Abhishek K. Gola, Adv.
Mr. Sudhir Naagar, AOR
Mr. Manohar Naagar, Adv.

Ms. Ruchi Kohli, AOR
Mr. B. Krishna Prasad, AOR
Mr. Siddharth, AOR

contd..

Mr. Sameer Nandwani, Adv.
Mr. Syed Ahmed Saud, Adv.
Mr. Daanish Ahmed Syed, Adv.
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
M/S. Shakil Ahmad Syed, AOR

Mr. Pradeep Misra, AOR

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Akash Singh, Adv.
Ms. Suman Ganguly, Adv.
Mr. Nirnimesh Dube, AOR

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

Mr. Aravindh S., AOR
Mr. A. Lakshminarayan, AOR

Mr. C. K. Sasi, AOR
Mr. Abdullah Naseeh, Adv.
Ms. Meena K.P., Adv.

Ms. Astha Sharma, AOR

Mr. Anant Vijay Palli, Adv.
Mr. Nikhil Palli, Adv.
Mr. Deepak Goel, AOR
Mr. Kamal Kumar Panday, Adv.
Mr. Vipin Kumar, Adv.
Ms. Baby Devi Bonia, Adv.

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
M/S. Plr Chambers And Co., AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.

Mr. Sunny Choudhary, AOR

Mrs. Swarupama Chaturvedi, AOR

Mr. Samar Vijay Singh, AOR

contd..

Mr. Vishnu Mehra, Adv.
Ms. Manjeet Chawla, AOR
Mr. Anant Mehrotra, Adv.

Mrs. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

Mr. Abhinav Mukerji, AOR
Ms. Pratishtha Vij, Adv.
Mrs. Bihu Sharma, Adv.
Mr. Akshay C. Shrivastava, Adv.

Mr. Deepak Thukral, Dy.
Mr. Gautam Sharma, Adv.
Dr. Monika Gusain, AOR

Mr. T.G. Narayanan Nair, Adv.
Ms. Priya Balakrishnan, Adv.

Mr. P.H. Parekh, Sr. Adv.
Mr. Kshatrashal Raj, Adv.
Mr. Sameer Parekh, Adv.
Ms. Tanya Chaudhry, Adv.
Ms. Pratyusha Priyadarshini, Adv.
Ms. Nikita Pandey, Adv.
M/S. Parekh & Co., AOR

Mr. Pashupati Nath Razdan, AOR
Ms. Mirza Kayesh Begg, Adv.
Mr. Astik Gupta, Adv.
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Rohit K. Singh, Adv.

Mr. Jayant K Sud, ASG
Mr. Aman Sinha, Sr. Adv.
Mr. Anmol Chandan, Adv.
Mr. K.L. Janjani, Adv.
Ms. Deep Shikha Bharti, Adv.
MR. R.S. Chouhan, Adv.
Mr. Deepabali Dutta, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Amrish Kumar, AOR
Mr. BV Balaram Das, AOR

Mr. K.M. Nataraj, ASG
Mr. Raghavendra S. Srivatsa, Adv.
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