



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2480 OF 2021

Mr. Devendra Ramesh Limaye

...Petitioner

Versus

Insurance Regulatory and
Development Authority of India,
New Delhi Through Chairman & Ors.

...Respondents

Ms. Vishaka Shelar a/w Mr. Suryajeet Chavan i/b. Mr. Tejas Hilage for
Petitioner.

Ms. Komal Shah a/w Mr. Sanjay Sharma i/b. Mr. Shrinivas Bhavare for
Respondent No.1.

Mr. Sunny Shah i/b. Mr. Ashish Suryavanshi for Respondent No.2.

Mr. Amol Kanaki i/b. Mr. Umesh Mankapure for Respondent No.4.

CORAM : M. S. Sonak &
Jitendra Jain, JJ.

DATED : 5 December 2024

PC.:-

1. Heard learned counsel for the parties.
2. The grievance in this petition is that Respondent No.2, despite our order dated 12 December 2018, had not disposed of Petitioner's representation, which was made within four weeks of our dated 12 December 2018.
3. Therefore, on 24 October 2024, we made the following order:-

" Heard learned counsel for the parties.

2. Ms Vishakha Shelar, learned counsel for the Petitioner refers us to the order dated 12 December 2018 in Writ Petition No.13784 of 2018 instituted by the Petitioner. This order dated 12 December 2018 reads as follows :-

" Heard learned counsel for the petitioner.

- 2. Petitioner is seeking licence to operate as licensed surveyor for the insurance companies. It is contended that though he has undergone necessary training, respondent no.4 is avoiding to sign on undertaking of trainer surveyor/surveyor firm for the petitioner. The document on which the petitioner needs certificate of respondent no. 4 is placed on page 31 of the petition.*
- 3. According to the petitioner, respondent no. 4 is recognized by respondent no. 2 for the purpose of the said training.*
- 4. It appears that the petitioner has already applied for such licence and thereafter on 22/1/2017 he was informed that the completion certificate from the trainer is essential. After that certificate is submitted along with new licence application, his request for permitting him to work as licenced surveyor and loss assessor can be looked into. Petitioner has thereafter not made any complaint either to respondent no.1 or respondent no.2 or even to respondent no. 4.*
- 5. In these circumstances, we find that interest of justice can be met with by keeping all the contentions of the parties open and permitting the petitioner to approach respondent no.2 with his grievance. If the representation of the petitioner is received by respondent no.2 within four weeks from today, respondent no. 2 shall pass suitable orders upon it within next eight weeks.*
- 6. With these directions and with opportunity to the petitioner to approach this court again if his grievance subsists even thereafter, we dispose of the writ petition.”*
- 3. The grievance now raised in this Petition is that the Petitioner’s representation which was made within four weeks is still not disposed of by the second Respondent.*
- 4. If this is correct, then, this is a serious matter because it virtually amounts to non-compliance with our direction for all these years.*
- 5. Learned counsel for the Petitioner states that the second Respondent is served and that the Petitioner will file an affidavit of service showing proof of service. However, the office remark shows that the service is yet to be completed.*
- 6. In the above circumstances, we once again direct notice to the second Respondent. This notice should be served by all possible means including speed post, e-mail etc. The Registry should also send a notice to the second Respondent for which, learned counsel for the Petitioner states, process fees and copies will be supplied within two weeks from today. The Registry should accept such process fees and copies during vacations.*
- 7. A copy of this order must also be sent to the second Respondent because if despite service, the second Respondent chooses not to appear in this matter, we will have to consider serious action.*
- 8. We list this matter for final disposal at the admission stage on 5 December 2024.*

4. Mr. Shah, learned counsel for Respondent No.2, has presented us with a compilation of documents. The document at Serial No.3 is the communication dated 8 July 2019, which suggests that the Petitioner's representation was disposed of after some delay. However, it is unclear whether this was communicated to the Petitioner.

5. Respondent No.2 has also placed on record documents about the service of this communication through couriers. Mr. Shah submitted that at this point in time, they do not have the precise documents showing the Petitioner's acknowledgement. However, he referred to several other documents which show that the courier was sent to the Petitioner.

6. In the above circumstances, rather than going into the issue of service, we dispose of this petition by granting the Petitioner liberty to challenge the communication dated 8 July 2019, now that this communication, along with other documents, is handed over to the learned counsel for the Petitioner.

7. All contentions of all parties on merits are left open because the limited grievance of the Petitioner in this petition was that Respondent No.2 was not disposing of the Petitioner's representation despite our directions dated 12 December 2018. That grievance now stands suitably redressed.

8. This petition is accordingly disposed of now, granting the Petitioner liberty to challenge the communication dated 8 July 2019 by which Respondent No.2 has disposed of Petitioner's representation. All contention of all parties on merits are left open.

(Jitendra S. Jain, J.)

(M. S. Sonak, J.)