ITEM NO.301 COURT NO.9 SECTION XI-A

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.5582/2023

[Arising out of impugned final judgment and order dated 19-05-2022 in MACA No.324/2021 passed by the High Court of Orissa at Cuttack]

THE ORIENTAL INSURANCE CO. LTD. PETITIONER(S)

VERSUS

TUNI PATI & ORS. RESPONDENT(S)

[PART HEARD BY: HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH AND HON'BLE MR. JUSTICE PRASANNA B. VARALE]

IA No. 41711/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 41716/2023 - EXEMPTION FROM FILING O.T.

WITH

CIVIL APPEAL NO.6865/2026 (XII-B)

Date : 17-08-2026 These matters were called for hearing today.

CORAM :
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. H. Chandra Sekhar, AoR
Mr. Jadhav Vishal, Adv.

Mr. Pankaj Seth, Adv.
Ms. Manjeet Chawla, AoR
Ms. Jyoti, Adv.
Ms. Shruti Jain, Adv.
Ms. Sheetal Sharma, Adv.

For Respondent(s) :Mr. Goutham Shivshankar, AoR

Ms. Renuka Sahu, AoR
Mr. Saurabh Bhardwaj, Adv.
(R.Nos. 1 to 3)

Mr. G. Balaji, AoR
Ms. Arzu Paul, Adv.
Mr. Ashwani Gahlot, Adv.
Ms. Shaurya Mishra, Adv.

Mr. Sabarish Subramanian, AoR

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AoR
Mr. Dhruv Yadav, Adv.
[(R-5) STATE OF ANDHRA PRADESH]

Ms. Eliza Barr, Adv.
Ms. Akansha, AoR
Mr. Govind Sharma, Adv.
[(R-6) STATE OF ARUNACHAL PRADESH]

Ms. Diksha Rai, AoR
[(R-7) STATE OF ASSAM]

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[(R-8) STATE OF BIHAR]

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[(R-9) STATE OF CHHATTISGARH]

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Ms. Aditi Agarwal, Adv.
[(R-11) STATE OF GUJARAT]

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[(R-14) STATE OF JHARKHAND]

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Mr. Kunal Vajani, A.A.G.
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Mr. Sanchit Garga, AoR
Mr. Kunal Rana, Adv.
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Ms. Diksha Arora, Adv.
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Mr. Guneet S. Sidhu, Adv.
Mr. Amitoj Chadha, Adv.
Mr. C. K. Sasi, AoR

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Mr. Surjeet Singh, Adv.
Mr. Kanishq Sharma, Adv.
Mr. Siddharth Shrivastava, Adv.

Mr. Aaditya Aniruddha Pande, AoR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.
Ms. Chitransha Singh Sikarwar, Adv.
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Mr. Pukhrambam Ramesh Kumar, AoR
Mr. Karun Shamra, Adv.
Ms. Anupama Ngangom, Adv.
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Mr. Z.H. Isaac Haiding, Standing Counsel
Mr. Daniel Stone Lyngdoh, Adv.
Ms. Marbiang Khongwir, Adv.
[(R-20) STATE OF MEGHALAYA]

Mr. Anando Mukherjee, AoR
[(R-21) STATE OF MIZORAM]

Ms. K. Enatoli Sema, AoR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
Ms. Yanmi Phazang, Adv.
[(R-22) STATE OF NAGALAND]

Mr. Srisatya Mohanty, AoR
Ms. Sakshi Mittal, Adv.
Mr. Jyotiraditya Roychowdhury, Adv.
[(R-23) STATE OF ODISHA]

Mr. Mohd. Irshad, A.A.G.
Ms. Abha Sharma, AoR
[(R-25) STATE OF PUNJAB]

Mr. Sameer Abhyankar, AoR
Mr. Krishna Rastogi, Adv.
Mr. Aryan Srivastava, Adv.
[(R-27) STATE OF SIKKIM]

Ms. Ruchira Goel, AoR
Mr. Sharanya, Adv.
Ms. Rishika Rishabh, Adv.
Mr. Harsh Pratap Shahi, Adv.
[(R-30) STATE OF UTTAR PRADESH]

Mr. Adarsh Chamoli, AoR
[(R-31) STATE OF UTTARAKHAND]

Mr. Mukesh Kr. Verma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Mr. Mukul Singh, Adv.
Mr. Yogesh Vats, Adv.
Mr. Shreekant Neelappa Terdal, AoR
Mr. Vineet Singh, Adv.
[(R-34) U.T OF ANDAMAN AND NICOBAR ISLANDS]
[(R-35) UNION TERRITORY OF CHANDIGARH]
[(R-36) U.T. OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU]
[(R-38) UNION TERRITORY OF LADAKH]

Mr. Aravindh S., AoR
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[(R-40) UNION TERRITORY OF PUDUCHERRY]

Mr. Brijesh Kumar Tamber, AoR
Mr. Vinay Singh Bist, Adv.
Mr. Yashu Rustagi, Adv.
Mr. Sahas Bhasin, Adv.
Ms. Chanchala Kumari, Adv.
Mr. Dhimaan Dutta, Adv.
[(R-41) Life Insurance Corporation of India]

Ms. Udita Singh, AoR
[(R-42) Axis Max Life Insurance Limited]

Mr. Sanjay K Chadha, Adv.
Mr. Amaditya, Adv.
Mr. Kanishk Mor, Adv.
Mr. Dharmendra Kumar Sinha, AoR
[(R-44 ICICI Prudential Life Insurance Company Limited]
[(R-45) Kotak Mahindra Life Insurance Company Limited
[(R-95) Aditya Birla Health Insurance Co. Ltd.]

Mr. Joydip Bhattacharya, Adv.
Mr. Sarath S Janardanan, AoR
Ms. Ipsita, Adv.
Ms. Namita Kumari, Adv.

[(R-47) Tata AIA Life Insurance Company Limited]

Mr. Piyush Singhal, Adv.
Ms. Srishti Prabhakar, AoR
Mr. Ishpreet Singh, Adv.
Mr. Nishant Bishnoi, Adv.
Mr. Kushagra Sinha, Adv.

Ms. Shweta Singh Parihar, AoR
[(R-49) Bajaj Allianz House]
[(R-50 PNB Metlife India Insurance Company Limited]

Mr. Anuj Bhandari, AoR
[(R-52) Aviva Life Insurance Company India Limited]

Mr. Hitesh Kumar, Adv.
Mrs. Sapna, Adv.
Mr. Zakir Hussain, AoR
[(R-54) Shriram Life Insurance Company Limited]

Mr. Aman Malik , AoR
Mr. Ali Khan, Adv.
[(R-56) Generali Central Life Insurance Company]

Mr. Piyush Singhal, Adv.
Mr. Saurabh Upadhyay, Adv.
Mr. Ishpreet Singh, Adv.
Ms. Mansi Sharma, Adv.
Mr. Ajit Kumar, Adv.
Mr. Manish Chaurasia, Adv.
Ms. Khushi Chhetri, Adv.
Mr. Piyush Garg, Adv.
Ms. Hardikaa Kalia, AoR
[(R-78) kshema General Insurance Limited]

Mr. Rajesh Kumar Chaurasia, AoR
Mr. Anurag Jain, Adv.
Mr. Jaideep Singh Sethi, Adv.
Mr. Surya Pratap, Adv.
Mr. Nitin Kumar Gupta, Adv.
Mr. Sujeet Kumar, Adv.
Mr. Soni, Adv.
[(R-43 HDFC Life Insurance Company Limited]
[(R-46) Aditya Birla Sunlife Insurance Company Limited]
[(R-58) Canara HSBC Life Insurance Company Limited]
[(R-60) Pramerica Life Insurance Company Limited]
[(R-61) Union Dai-Ichi Life Insurance Company Limited]
[(R-63) Edelweiss Life Insurance Company Limited]

Mr. Daga Sachin Subhash, AoR

Ms. Shreyashi Panda, Adv.
[(R-51) Indusind Nippon Life Insurance Company Limited]
[(R-55) Bharti Life Ins Co Ltd]
[(R-59) Bandhan Life Insurance Limited]
[(R-62) India First Life Insurance Company Limited]

Mr. Manik Ahluwalia, AoR
[(R-65) Acko Life Insurance Limited]
[(R-67) Acko General Insurance Limited]

Ms. Anuja Pethia, AoR
Mr. Rishabh Nigam, Adv.
Mr. Rishabh Govila, Adv.
Ms. Kshirja Agarwal, Adv.
Ms. Amisha Aggarwal, Adv.

Ms. Puja Dewan, AoR
Mr. Anand Prakash, Adv.
Mr. Uday Seth, Adv.
[(R-71) ECGC Ltd.]

Mr. Rajat Khattry, Adv.
Mr. Abhay Kumar, AoR
Mr. D. Vardrajan, Adv.
[(R-48) SBI Life Insurance Company Limited]
[(R-70) Cholamandalam MS General Insurance Company Ltd.]
[(R-72) Generali Central Insurance Company Limited]
[(R-86) SBI General Insurance Company Limited]

Mr. Shoeb Alam, Sr. Adv.
Mr. Rajeev Maheshwaranand Roy, AoR
Mr. Nilesh Kumar, Adv.
Mr. P Srinivasan, Adv.
Mr. Shivam Madhur, Adv.
[(R-66) Go Digit Life Insurance Limited]
[(R-73) Go Digit General Insurance Limited]
[(R-74) HDFC Ergo General Insurance Company Limited]
[(R-75) ICICI Lombard General Insurance Company Limited]
[(R-80) Magma General Insurance Limited]
[(R-83) Raheja QBE General Insurance Co. Ltd.]
[(R-84) IndusInd General Insurance Company Limited]
[(R-103) Valueattics Reinsurance Limited]

Mr. Arun K. Sinha, AoR
[(R-68) Agriculture Insurance Company Of India Limited]

Mr. Shubham Janghu, Adv.
Mr. Yoshit Jain, Adv.
Mr. Gopal Singh, AoR
[(R-76) Iffco Tokio General Insurance Company Limited]

Mr. Jagdish Chandra, Adv.
Mr. Vishal Meghwal, AoR
[(R-57) Ageas Federal Life Insurance Company Limited]
[(R-69) Bajaj General Insurance Limited]
[(R-85) Royal Sundaram General Insurance Company Ltd.]

Mr. Amit Kumar Singh, AoR
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
[(R-81) National Insurance Company Limited]
[(R-88) Tata AIG General Insurance Company Limited]
[(R-91) United India Insurance Company Limited]

Mr. Vishnu Kant, AoR
[(R-82) Navi General Insurance Limited]

Mr. Abhishek Kumar Gola, Adv.
Mr. Sudhir Naagar, AoR
Mr. Anshul Mehral, Adv.
Mr. Arun Kumar Nagar, Adv.
Mr. Yogendra Kumar, Adv.
Mr. Yogesh Kumar, Adv.
[(R-87) Shriram General Insurance Company Limited]

Ms. Awantika Manohar, AoR
Ms. Parul D., Adv.
[(R-89) The New India Assurance Company Limited]

Mr. Rajat Khattry, Adv.
Mr. Siddhartha Iyer, AoR
Mr. Aman Gupta, Adv.
Ms. Jaispriya Poply, Adv.
[(R-92) Universal Sompo General Insurance Company Ltd.]

Mr. Suraj Raj Kesherwani, Adv.
Mr. Karun Sharma, AoR
Mr. Mayank Raj, Adv.
[(R-93) Zuno General Insurance Ltd.]

Mr. Manu Luv Shahalia, Adv.
Ms. Manjeet Chawla, AoR
Ms. Jyoti, Adv.
Ms. Usha Pant Kukreti, Adv.
Ms. Reenu Kumar, Adv.
[(R-96) Care Health Insurance Limited]

Ms. M. B. Ramya, Adv.
Mr. Arindam Ghosh, AoR
[(R-97) Galaxy Health Insurance Company Limited]

Mr. Dheeraj Nair, AoR
Mr. Jayant Mehta, Sr. Adv.
Mr. Varghese Thomas, Adv.
Ms. Padmaja Kaul, Adv.
Mr. Kushagra Sah, Adv.
Mr. Azeem Parvez, Adv.
Mr. Joydeep Saha, Managing Director and Chief Executive Officer
[(R-99) Manipal Cigna Health Insurance Company Limited]

Mr. Shishir Mathur, Adv.
Ms. Anshul Singh, Adv.
Ms. Preeti Gupta, AoR
Mr. Amit Anand Daspande, Adv.
[(R-101) Star Health and Allied Insurance Co. Ltd.]

Mr. H. Chandra Sekhar, AoR
Mr. Jadhav Vishal, Adv.
[(R-90) The Oriental Insurance Company Limited]
[(R-102) General Insurance Corporation Of India (GIC RE)]

O R D E R

Heard learned Senior Counsel/Counsel for the parties.

2. At the outset, Mr. Jayant Mehta, learned Senior Counsel representing the Respondent No.99 (Manipal Cigna Health Insurance) submits that Mr. Joydeep Saha, Managing Director and Chief Executive Officer of the Insurance Company has been called today as there was some miscommunication with regard to him filing an affidavit. He submits that he is present and has filed his personal affidavit. Thus, personal presence of Mr. Joydeep Saha is dispensed with, for the present.

3. The matter started on an innocuous issue of whether a vehicle which was said to be the cause of an accident, was the real vehicle involved in the said accident. But as the events

unfolded, an exercise has been taken pan India, pursuant to the order of this Court in the present proceedings to unearth whether fraudulent claims are being filed, that too, in a fixed pattern, where the same vehicle is shown to be involved in multiple accidents, which results in such frivolous claims being allowed. This appeared to be a fraud of enormous proportion and has persuaded the Court to enlarge the scope of the present proceedings to unravel and also to check such fraudulent claims, which ultimately result in not only undue financial stress on the Insurance Companies, but also on the system and one of the fallouts is that the common genuine consumer has to pay a higher premium, just because the Insurance companies have to ensure their financial viability.

4. At this juncture, we called upon Mr. Jagdish Chandra Solanki, learned counsel to assist the Court on various issues as he has experience in these matters, and has also had the privilege of working in an Insurance Company, where, according to him, he came across various irregularities, acts of commission/omission and lack of oversight, which had facilitated the frauds to perpetuate. He has suggested that the Court may implead the Insurance Regulatory and Development Authority (IRDA) under the Ministry of Finance, Government of India, as a party respondent, as all the Insurance Companies ultimately are governed by the regulations made by IRDA. He further submitted that a common portal be developed where all

insurance claims be shown so that there can be ready access by all the Insurance Companies with regard to any claim which may be filed, so as to cross check the records of the other companies as to whether such vehicle/person/institution/entity is involved in repeated and multiple claims being made on a regular basis. He submits that as of now two portals, i.e., VAHAN and SARATHI are available, which basically cater to data collection and the submission is that if they can also be integrated with the common portal, there can be ease of tracking all such claims, both with regard to the veracity of the accident, if any, the vehicle involved and the exact place where the accident has occurred.

5. A suggestion has also been made by Ms. Rupali Samuel, learned Standing Counsel for the State of Tamil Nadu that the Ministry of Road Transport and Highways, Government of India has a portal named E-detailed Accident Report (EDAR), which tracks accidents on the National Highways across India. It was submitted that if the same can be integrated with the other portals which carry such data as also with the portal of the IRDA, the authenticity and correctness of the accident occurring and the vehicle involved can be addressed more readily and conveniently.

6. Learned counsel for the State of Uttar Pradesh submits that a special SIT was constituted for the purposes of verification of these claims relating to complaints being received by the

insurance companies indicating potential frauds, was pursuant to the orders passed by a Coordinate Bench of this Court in SLP(Civil) No.1110/2017 titled *"Safiq Ahmad vs. ICICI Lombard General Insurance Co. Ltd. & Ors."*. She submits that till recently, 2188 complaints were received, in which, upon inquiry, over 1029 were investigated and 231 FIRs have been lodged against 533 accused persons. We appreciate the action taken by the State of Uttar Pradesh in the matter. We are informed that other States might have also followed the procedure. However, for the present, we are not going into that individually.

7. A fresh direction is issued to all the States to constitute a special dedicated SIT for such purposes at the State level. All complaints by the Insurance Companies be forwarded to the said body, which will be looked into expeditiously. The States are directed to provide sufficient hands to the SIT for completion of the investigations. The States should also disclose with regard to the procedure they have adopted for investigating in the present matter.

8. At this point, the Court deems it appropriate to indicate that it shall be the responsibility of the Insurance Companies that all claims indicative of fraud are forwarded to the SIT and pick and choose approach is not done. The Court will <u>hold</u> the top most management of the concerned Insurance Companies accountable if it is found that there has been selective

forwarding of the cases to the SIT of the concerned State. Any recommendation by the SIT or FIR lodged against the officers of the Insurance Companies shall also be taken cognizance of and appropriate action on the departmental side shall also be initiated against such officials by the concerned Insurance Companies, without any delay.

9. The Insurance Companies shall file their affidavits as to what action has been taken by them in terms of what has been indicated hereinabove, both with regard to the cases referred to the SIT, as also the in-house action taken against the officials, who may play a role prejudicial to the interest of the Company and facilitated the fraud which was attempted or committed by the parties concerned.

10. Let the IRDA be impleaded as respondent no.104. Similarly, the Ministry of Finance, though the Secretary, Union of India be impleaded as respondent no. 105; the Ministry of Road Transport and Highways through the Secretary be impleaded as respondent no.106; the General Insurance Council (GIC), which we are informed is the overall body under the IRDA which is responsible for coordinating among the Insurance Companies and also laying down general policies, be also impleaded as respondent no.107.

11. Notices shall be sent to the newly added respondents by the Registry forthwith and they shall also file their affidavits giving details of what is their responsibility at present, how

they discharge the same and what, according to them, could be the steps which are required to be taken, meaning thereby that they shall give their suggestions how to handle or take care of the situation, which the Court is taking note of and considering in the present proceedings.

12. The matters be listed on 23.09.2026 at 2.00 p.m.

13. On the next date, learned counsel for all the parties should be ready with a one page note which would be a precis/summary of their affidavits for the Court's ready reference.

14. After the order was dictated, a suggestion has come from Mr. Solanki, learned counsel, that wherever the Insurance claim is negated by the concerned MACT on the ground of fraud/collusion, the concerned Insurance Company would carry out an in-house appraisal of the said case and also forward details of the same to the SIT of the concerned State in which the incident has occurred, for action. We find the suggestion to be useful and relevant. Accordingly, a direction is issued to the Insurance Companies that such matters where the claim is negated on the ground of fraud or collusion, the said Insurance Company shall immediately forward the details of the said case to the SIT of the State where the claim is raised and also carry out an in-house investigation with regard to whether there was contributory collusion by its officers.

15. Details of the same shall also be disclosed in the

affidavits to be filed by all concerned.

16. At this juncture, we reiterate that in our order dated 18.03.2026 at paragraph no.7 we had indicated that all the respondents may take note of the action taken by the State of Odisha pursuant to the directions of this Court in the present proceedings and accordingly, come up with their own modalities.

17. The CMD of the following Insurance companies were required to be present physically today before this Court in terms of Paragraph No.5 of order dated 26.05.2026, as they had not entered appearance pursuant to the directions of this Court issued *vide* order dated 06.04.2026:

R.No.45	Kotak Mahindra Life Insurance Company Limited
R.No.49	Bajaj Allianz House
R.No.64	CreditAccess Life Insurance Limited
R.No.66	Go Digit Life Insurance Limited
R.No.77	Zurich Kotak General Insurance Company (India) Limited
R.No.79	Liberty General Insurance Limited
R.No.82	Navi General Insurance Limited
R.No.89	The New India Assurance Company Limited
R.No.90	The Oriental Insurance Company Limited
R.No.93	Zuno General Insurance Ltd.
R.No.94	Kiwi General Insurance
R.No.95	Aditya Birla Health Insurance Co. Ltd.
R.No.98	Narayana Health Insurance Co. Ltd.
R.no.100	Niva Bupa Health Insurance Co. Ltd.
R.No.102	General Insurance Corporation of India (GIC Re)
R.No.103	Valueattics Reinsurance Limited.

18. Mr. Krishnan Ramachandran, Chairman, Respondent No.100

(Niva Bupa Health Insurance Co. Ltd.) has appeared through virtual mode, as also the CMDs of Respondent No. 79 (Liberty General Insurance Limited) and Respondent No. 93 (Zuno General Insurance Ltd), which was not the liberty given to the Parties *vide* order dated 26.05.2026.

19. Though we were of the opinion that notice for contempt be issued and they be directed to appear before this Court on the next date of listing along with their show cause, but by way of extraordinary indulgence, we refrain from doing so, for the present. Thus, notice is issued against all the CMDs of the Insurance Companies mentioned in paragraph No.17 above to show cause, by filing a personally affirmed affidavit, as to why they have not complied with the directions of this Court to be physically present before this Court today in terms of directions issued *vide* order dated 26.05.2026.

20. We further note here that Affidavits have been filed by all the Insurance Companies except respondents No. 64, 94 and 98. They have neither entered appearance, nor filed affidavit.

21. In view of service of notice not being complete on respondent No.53, Sahara India Life Insurance Company, let fresh notice be issued.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR