

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 21.11.2017

Misc. Application No.6 of 2017
And
IRDAI Appeal No. 7 of 2017

1. Sahara India Financial Corporation Limited
Sahara India Bhawan, 1, Kapoorthala Complex,
Aliganj, Lucknow 226 024.

2.Sahara Care Limited
Sahara India Bhawan, 1, Kapoorthala Complex,
Aliganj, Lucknow – 226 024.

..... Appellants

Versus

1. Insurance Regulatory & Development Authority of India
Head Office/Principal seat at Parisharam Bhawan,
3rd Floor, Basheer Bagh, Hyderabad 500 004, India.

2. Mr. R.K. Sharma,
Administrator
Sahara India Life Insurance Company Ltd.
2, Kapoorthala Complex, Sahara India Centre,
Aliganj, Lucknow – 226 024.

3. ICICI Prudential Life Insurance Company Ltd.
ICICI PruLife Towers, 1089, Appasaheb Marathe Marg,
Prabhadevi, Mumbai – 400 025.

4. Sahara India Life Insurance Company Limited
Registered/Corporate Office at 2, Kapoorthala Complex,
Sahara India Centre, Aliganj, Lucknow – 226 024.

... Respondents

Mr. Gaurav Joshi, Senior Advocate with Mr. Piyush Raheja and Mr. Saurabh Pabale i/b.Mr. Dipesh Siroya, Advocates for the Appellants.

Mr. Somasekhar Sundaresan, Advocate with Mr. Sumit Agrawal, Ms. Vaneesa Agarwal, Ms. Surbhi Purohit and Mr. Dhaval kothari, Advocates i/b Suvan Law Advisors for the Respondent nos. 1 & 2.

Ms. Saloni Kapadia, Advocate i/b. Cyril Amarchand Mangaldas with Mr. Sthidharth S., Representative for Respondent No.3.

Mr. Sahil Gandhi, Advocate with Ms. Aditi Bhat and Mr. Feroze Patel, Advocates i/b. M/s. Markand Gandhi & Co. for Respondent No.4

**With
Misc. Application No.7 of 2017
And
IRDAI Appeal No. 8 of 2017**

1. Sahara India Financial Corporation Limited
Sahara India Bhawan, 1, Kapoorthala
Complex, Aliganj, Lucknow 226 024.
- 2.Sahara Care Limited
Sahara India Bhawan, 1, Kapoorthala
Complex, Aliganj, Lucknow – 226 024. Appellants

Versus

1. Insurance Regulatory & Development Authority of India
Head Office/Principal seat at Parisharam Bhawan,
3rd Floor, Basheer Bagh, Hyderabad 500 004, India.
2. Mr. R.K. Sharma,
Administrator
Sahara India Life Insurance Company Ltd.
2, Kapoorthala Complex, Sahara India Centre,
Aliganj, Lucknow – 226 024.
3. Sahara India Life Insurance Company Limited
Registered/Corporate Office at 2, Kapoorthala
Complex, Sahara India Centre, Aliganj,
Lucknow – 226 024. ... Respondents

Mr. Gaurav Joshi, Senior Advocate with Mr. Piyush Raheja and Mr. Saurabh Pabale i/b. Mr. Dipesh Siroya, Advocates for the Appellants.

Mr. Somasekhar Sundaresan, Advocate with Mr. Sumit Agrawal, Ms. Vaneesa Agarwal, Ms. Surbhi Purohit and Mr. Dhaval kothari, Advocates i/b Suvan Law Advisors for the Respondent nos. 1 & 2.

Mr. Sahil Gandhi, Advocate with Ms. Aditi Bhat and Mr. Feroze Patel, Advocates i/b. M/s. Markand Gandhi & Co. for Respondent No.3

**With
Misc. Application No.8 of 2017
And
IRDAI Appeal No.9 of 2017**

1. Sahara India Financial Corporation Limited
Sahara India Bhawan, 1, Kapoorthala Complex,
Aliganj, Lucknow 226 024.
- 2.Sahara Care Limited
Sahara India Bhawan, 1, Kapoorthala Complex,
Aliganj, Lucknow – 226 024. Appellants

Versus

1. Insurance Regulatory & Development Authority of India
Head Office/Principal seat at Parisharam Bhawan,
3rd Floor, Basheer Bagh, Hyderabad 500 004, India.
2. Mr. R.K. Sharma,
Administrator
Sahara India Life Insurance Company Ltd.
2, Kapoorthala Complex, Sahara India Centre,
Aliganj, Lucknow – 226 024.
3. Sahara India Life Insurance Company Limited
Registered/Corporate Office at 2, Kapoorthala
Complex, Sahara India Centre, Aliganj,
Lucknow – 226 024. ... Respondents

Mr. Gaurav Joshi, Senior Advocate with Mr. Piyush Raheja and Mr. Saurabh Pabale i/b. Mr. Dipesh Siroya, Advocates for the Appellants.

Mr. Somasekhar Sundaresan, Advocate with Mr. Sumit Agrawal, Ms. Vaneesa Agarwal, Ms. Surbhi Purohit and Mr. Dhaval kothari, Advocates i/b Suvan Law Advisors for the Respondent nos. 1 & 2.

Mr. Sahil Gandhi, Advocate with Ms. Aditi Bhat and Mr. Feroze Patel, Advocates i/b. M/s. Markand Gandhi & Co. for Respondent no.3

CORAM : Jog Singh, Member
Dr. C.K.G.Nair, Member

Per : Jog Singh, Member (Oral)

1. Appellant, namely Sahara India Life Insurance Company Limited, has preferred appeal no.6 of 2017 against appointment of the Administrator by impugned order dated 12.6.2017. This order has been passed by the Respondent by invoking powers under Section 52A of the Insurance Act, 1938. The prayer clause is reproduced below:-

“I. That this Hon’ble Court be pleased to call for the records of the Respondent in respect of the impugned order dated 12.6.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 12.06.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

2. Appeal no.5 of 2017 has been preferred by the appellant, namely Sahara India Life Insurance Company Limited, impugning orders dated 23.6.2017 passed by the Respondent in terms of the provisions of Section 52B read with Section 52 B(3). The prayer clause is reproduced as under:

“I. That this Hon’ble Court be pleased to call for the records of the Respondent in respect of the impugned order dated 23.06.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 23.06.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

3. Similarly Appeal No.4 has been filed by the appellant, namely Sahara India Life Insurance Company Limited to challenge order dated 28.7.2017 of the IRDA regarding handing over of the business of life insurance from Sahara India Life Financial Corporation Limited to ICICI Prudential Life Insurance Company Ltd. The prayer clause is reproduced as under:

“I. That this Hon’ble Court be pleased to call for the records of the Respondent in respect of the impugned order dated 28.07.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 28.07.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

4. During the pendency of these 3 appeals, the appellants through shareholders of the appellants have also preferred Appeal nos.9, 8 and 7 of 2017 respectively with the same prayers. Prayers in these second set of three appeals are reproduced herein below:

Prayer in Appeal No.9 of 2017

“I. That this Hon’ble Court be pleased to call for the records of the Respondents in respect of the impugned order dated 12.6.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 12.06.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

Prayer in Appeal No.8 of 2017

“I. That this Hon’ble Court be pleased to call for the records of the Respondents in respect of the impugned order dated 23.06.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 23.06.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

Prayer in Appeal no.7 of 2017

“I. That this Hon’ble Court be pleased to call for the records of the Respondents in respect of the impugned order dated 28.07.2017 and after considering the legality, propriety and correctness of the same be pleased to quash and set aside the said impugned order dated 28.07.2017.

II. Pass any other or further order in this Hon’ble Court may deem fit and proper, in the interest of justice.”

5. It is, thus, apparent that the second set of 3 appeals contains identical prayers which are being already considered Appeal nos.4, 5 and 6 of 2017. Since we have already heard the Appeal nos.4, 5 and 6 of 2017 at length on merit as well as preliminary objections raised by the Respondents and we are likely to conclude shortly, we do not see any good reason to entertain these 3

Appeals nos. 7, 8 and 9 of 2017 at this stage to avoid multiplicity of litigation and confusion. Infact, we have not taken a view on the preliminary objection raised by the respondent as well as on merit so far. Accordingly, the three Appeals Nos. 7, 8 & 9 of 2017, being premature, preferred by the Appellants, through shareholders, stand disposed of. However, if any eventuality arises after the final disposal of Appeal nos. 4, 5 and 6 of 2017, the Appellants in Appeal Nos.7, 8 & 9 of 2017 would be at liberty to approach the appropriate forum as per law. No costs.

Sd/-
Jog Singh
Member

Sd/-
Dr. C. K. G. Nair
Member

21.11.2017
Prepared and compared by
RHN