

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision: 24.8.2018

IRDAI M. A. No.4 of 2018

In

IRDAI Appeal No.4 of 2018

E- Meditek Insurance TPA Ltd.
577, Udyog Vihar, Phase-V Gurgaon,
Haryana 122016.

..... Applicant/
(Org. Appellant)

Versus

Insurance Regulatory and Development Authority of India
Survey No.115/1, Financial District, Nankramguda,
Hyderabad – 500 032.

... Respondent

Mr. Ankit Lohia, Advocate with Mr. Rohit Lalwani, Advocate i/b. Manilal
Kher Ambalal & Co. for the Applicant/(Org. Appellant).

Mr. Shrinivas Bhawe, Advocate with Ms. Sunayana Kashid, Advocate i/b.
Bhawe & Co. for the Respondent.

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

Per : Dr. C.K.G. Nair (Oral)

1. By this Misc. Application No.4 of 2018 the Applicant/(Org. Appellant) seeks clarification on the order passed by this Appellate Tribunal on 23rd March, 2018. By our order dated 23rd March, 2018 we passed the following directions:

“13. In these circumstances, we stay the operation of the impugned order forthwith with a direction to the Member (Non-Life) to give an opportunity of hearing to the appellant as expeditiously as possible and pass such order as he deems fit.

14. Once the impugned order is stayed nothing survives in the appeal. Even the Misc. Application becomes infructuous.

15. It is made clear that pending further investigation it would be open to the Member (Non-Life) to pass such order as he deems fit after hearing the appellant”.

2. The submissions of the Counsel for the Appellant is that though the intention of the above order is that the ex-parte order does not survive some of the insurance companies are not interpreting it correctly and the business of the Appellant is adversely affected. Therefore Appellant seeks the following clarifications to our order:-

“i) This Hon’ble Tribunal direct the Respondent to issue appropriate directions and/or clarify to the insurance companies that the Ex-parte Order dated 20th March, 2018 no longer survives and there is no impediment in the Applicant continuing its business and services as conducted prior to the passing of the Ex parte Order.

ii) This Hon’ble Tribunal be pleased to clarify that the Ex-parte Order dated 20th March, 2018 stands set aside in its entirety;”

3. Counsel for the Respondent IRDAI submits that the order of this Appellate Tribunal (supra) has been posted on the website of IRDAI alongwith the order of the IRDAI dated 20th March, 2018 as per the normal practice and as such both the orders are available in the public domain.

4. I note that the order of this Appellate Tribunal dated 23rd March, 2018 was dictated in the open court by the former Presiding Officer of this Appellate Tribunal. At that time the Counsel for the Appellant did not seek any modification to the said order. It is a speaking order. This Misc. Application no.4 of 2018 has been filed only on 11th June, 2018 seeking clarification to the said order. In these circumstances and also in view of the fact that the benefit of former Presiding Officer is not available in

reinterpreting the order in any manner including clarifying the same I am unable to provide any such clarification as sought by the Appellant.

5. Misc. Application is rejected for the above reasons with no order as to costs.

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

24.8.2018
Prepared and compared by
RHN