

ITEM NO.501

COURT NO.1

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).841/2018

M/S. BAJAJ ALLIANCE GENERAL INSURANCE CO.LTD.

Appellant(s)

VERSUS

RAMBHA DEVI & ORS.

Respondent(s)

(WITH IA No. 133096/2023 - INTERVENTION APPLICATION, IA No. 173691/2023 - INTERVENTION APPLICATION, IA No. 138588/2023 - INTERVENTION/IMPLEADMENT, IA No. 133143/2023 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 10918/2018 (XV)

SLP(C) No. 9604/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.44779/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 9613/2018 (IV-A)

Diary No(s). 24834/2018 (IV-C)

(FOR ADMISSION and I.R. and IA No.109091/2018-CONDONATION OF DELAY IN FILING and IA No.109092/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 25256/2018 (XV)

(FOR ADMISSION and I.R. and IA No.134006/2018-CONDONATION OF DELAY IN FILING and IA No.134009/2018-EXEMPTION FROM FILING O.T. and IA No.134008/2018-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 24671/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.117330/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 32753/2018 (IV-B)

(WITH IA No. 162746/2018 - CONDONATION OF DELAY IN FILING, IA No. 162751/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 32756/2018 (IV-B)

(WITH IA No. 157609/2018 - CONDONATION OF DELAY IN FILING, IA No. 157611/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 157613/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 37055/2018 (IV-B)

(WITH IA No. 156105/2018 - CONDONATION OF DELAY IN FILING)

Diary No(s). 39059/2018 (IV-B)
(WITH IA No. 155184/2018 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 426/2019 (IV-B)

SLP(C) No. 505-506/2019 (XV)

SLP(C) No. 17506/2018 (IV-A)
(WITH IA No.49692/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 23638/2018 (IV-C)
(WITH IA No. 95171/2018 - CONDONATION OF DELAY IN FILING, IA No. 95172/2018 - EXEMPTION FROM FILING O.T.)

Diary No(s). 24137/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.109284/2018-CONDONATION OF DELAY IN FILING and IA No.109286/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 24530/2018 (XV)
(FOR ADMISSION and I.R. and IA No.100935/2018-CONDONATION OF DELAY IN FILING and IA No.100934/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 24534/2018 (XV)
(WITH IA No. 107670/2018 - CONDONATION OF DELAY IN FILING, IA No. 107674/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 5958/2019 (XV)

SLP(C) No. 8918-8919/2019 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No. 11503-11504/2019 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No. 8277/2020 (XIV)

SLP(C) No. 8123-8124/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.65087/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65085/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 14645-14646/2017 (IV-A)

SLP(C) No. 35472-35473/2017 (XVII-A)
(WITH IA No. 130122/2017 - CONDONATION OF DELAY IN FILING, IA No. 130111/2017 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 130113/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 130114/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6055/2018 (IV-A)
(WITH IA No.24588/2018-EXEMPTION FROM FILING O.T.)

SLP(C) No. 18849/2019 (IV-A)
(WITH IA No. 2041/2022 - PERMISSION FOR WITHDRAWAL OF AMOUNT)

SLP(C) No. 20449/2019 (IV-A)
(FOR ADMISSION and I.R. and IA No.118586/2019-CONDONATION OF DELAY
IN FILING)

SLP(C) No. 21547/2019 (XIV)
(WITH IA No.128215/2019-CONDONATION OF DELAY IN FILING and IA
No.128218/2019-ADDITION / DELETION / MODIFICATION PARTIES)

SLP(C) No. 23017-23018/2019 (IV-B)

C.A. No. 8001-8002/2019 (IV)
(FOR ADMISSION and I.R.)

SLP(C) No. 766/2020 (XV)
(WITH IA No. 186784/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 24545/2019 (IV-B)

SLP(C) No. 30601/2019 (XIV)
(FOR ADMISSION and I.R.)

SLP(C) No. 696/2021 (XIV)

C.A. No. 1477/2018 (IV-A)

C.A. No. 842/2018 (XII-A)
(WITH IA No. 103173/2019 - WITHDRAWAL OF CASE / APPLICATION)

C.A. No. 1479/2018 (IV-A)

C.A. No. 483/2018 (IV-A)

C.A. No. 1506/2018 (IV-A)

C.A. No. 1478/2018 (IV-A)

Diary No(s). 40406/2017 (IV-A)
(FOR ADMISSION and I.R. and IA No.10034/2018-CONDONATION OF DELAY
IN FILING and IA No.10039/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT and IA No.10036/2018-CONDONATION OF DELAY IN
REFILING)

C.A. No. 1476/2018 (IV-A)

Diary No(s). 41949/2017 (IV-A)
(FOR ADMISSION and I.R. and IA No.2817/2018-CONDONATION OF DELAY IN
FILING)

SLP(C) No. 2684-2685/2018 (XI-A)

SLP(C) No. 597/2018 (IV-C)
(WITH IA No. 3888/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 524/2018 (IV-C)
(WITH IA No. 3532/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 3528/2018 - EXEMPTION FROM FILING O.T.)

Diary No(s). 2524/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.74496/2018-CONDONATION OF DELAY IN FILING and IA No.74497/2018-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 19242-19244/2018 (IV-C)

Diary No(s). 23636/2018 (IV-C)
(WITH IA No. 93154/2018 - CONDONATION OF DELAY IN FILING, IA No. 93155/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 28906/2018 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No. 13315/2019 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No. 14523-14524/2019 (XIV)
(FOR ADMISSION and I.R.)

Diary No(s). 37270/2017 (XII)
(WITH IA No.10168/2018-CONDONATION OF DELAY IN FILING and IA No.10171/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 1475/2018 (IV-A)

SLP(C) No. 5065/2018 (IV-A)

SLP(C) No. 10459/2018 (XV)

SLP(C) No. 9908/2018 (X)

SLP(C) No. 6668/2018 (XV)

Diary No(s). 4869/2018 (IV-C)
(FOR ADMISSION and I.R. and IA No.51454/2018-CONDONATION OF DELAY IN FILING and IA No.51457/2018-EXEMPTION FROM FILING O.T. and IA No.51455/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 6119/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.37735/2018-CONDONATION OF DELAY IN FILING)

Diary No(s). 6264/2018 (XIV)
(FOR ADMISSION and I.R. and IA No.52062/2018-CONDONATION OF DELAY IN FILING and IA No.52064/2018-CONDONATION OF DELAY IN REFILING)

**SLP(C) No. 8816/2018 (IV-A)
(FOR ADMISSION and I.R.)**

**SLP(C) No. 9607/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45086/2018-CONDONATION OF DELAY
IN FILING and IA No.45089/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**SLP(C) No. 9610/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45080/2018-CONDONATION OF DELAY
IN FILING and IA No.45083/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**SLP(C) No. 9612/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45273/2018-CONDONATION OF DELAY
IN FILING and IA No.45275/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**SLP(C) No. 9606/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45601/2018-CONDONATION OF DELAY
IN FILING and IA No.45603/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**SLP(C) No. 9609/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45282/2018-CONDONATION OF DELAY
IN FILING and IA No.45283/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**Diary No(s). 9963/2018 (XV)
(FOR ADMISSION and I.R. and IA No.58464/2018-CONDONATION OF DELAY
IN FILING and IA No.58466/2018-EXEMPTION FROM FILING O.T. and IA
No.58465/2018-CONDONATION OF DELAY IN REFILING)**

**Diary No(s). 9970/2018 (XV)
(FOR ADMISSION and I.R. and IA No.70678/2018-CONDONATION OF DELAY
IN FILING and IA No.70679/2018-CONDONATION OF DELAY IN REFILING)**

**Diary No(s). 990/2018 (IV-C)
(WITH IA No. 21136/2018 - CONDONATION OF DELAY IN FILING, IA No.
21139/2018 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 5193/2018 (IV-A)
(FOR ADMISSION and I.R.)**

**SLP(C) No. 5188/2018 (IV-A)
(FOR ADMISSION and I.R.)**

**SLP(C) No. 9611/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45036/2018-CONDONATION OF DELAY
IN FILING and IA No.45039/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

SLP(C) No. 9608/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45021/2018-CONDONATION OF DELAY IN FILING and IA No.45024/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9605/2018 (IV-A)
(FOR ADMISSION and I.R. and IA No.45320/2018-CONDONATION OF DELAY IN FILING and IA No.45322/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 20221/2023 (IV-A)
(FOR ADMISSION and IA No.253/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

SLP(C) No. 19921/2023 (IV-C)
(FOR ADMISSION and IA No.181529/2023-EXEMPTION FROM FILING O.T.)

Diary No(s). 28961/2023 (IV-C)
(WITH IA No.158459/2023-CONDONATION OF DELAY IN FILING and IA No.158461/2023-EXEMPTION FROM FILING O.T.)

Date : 22-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE MANOJ MISRA

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**UPON hearing the counsel the Court made the following
 O R D E R**

- 1 In pursuance of the order dated 13 September 2023, the Union Ministry of Road Transport and Highways¹ has informed the Court through the Attorney General for India that the exercise of amending the Motor Vehicles Act 1988, including the provisions of Section 2(21) and Section 10, is “sought to be evaluated”. The exercise which has been carried out thus far by the Union government is set out in the note which has been tendered by the Attorney General, which is extracted below:

- “i. This Ministry has commenced the exercise of amendment of Motor Vehicles Act, 1988 (“MV Act, 1988”), whereby Section 2(21) and Section 10 of the said Act are amongst the provisions, sought to be evaluated. It may be noted that this Ministry has identified many provisions

from the MV Act, 1988, that (may) require evaluation, including the said particular Section(s).

- ii. The entire process of amendment of the MV Act, 1988 entails continuous consultation with the stakeholders, especially the States, considering the fact that the Motor Vehicles' or 'vehicles' finds mention under List II and List III of the Constitution of India, in its Seventh Schedule. List II states in sr. no. 57 that *"57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III."* The List III states in sr. no. 35 that *"35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied."* The views of the stakeholders are necessary, for them to be incorporated in the draft language of the proposed amendments.
- iii. To embark upon the process of amendment of the MV Act, 1988, this Ministry will be examining the possible repercussions of the amendments of certain provisions on the other provisions of the MV Act, 1988, to the Rules formulated thereunder (to ensure that the Rules aren't rendered ultra vires the Act), to the States exchequer, and to the general public.
- iv. This Ministry has conducted a number of internal discussions to deliberate over the issues involved in the present matter, in due deference to and in furtherance of the order dated 13.09.2023. The said discussions entailed examination of the issues and the potential solutions thereof by the officers of various Divisions/ Sections of this Ministry.
- v. On 20.10.2023, this Ministry conducted a round of consultations with the stakeholders, on the identified provisions, including the Department of Financial Services, General Insurance Council, and Insurance Regulatory and Development Authority.
- vi. On 08.11.2023, this Ministry conducted another round of consultation with the stakeholders, on the identified provisions containing some matters specific to the States/ UTs.
- vii. This Ministry is in the process of seeking written inputs/ comments of the Stakeholders, such as States/ UTs, on all the identified provisions, including Section 2(21) and Section 10 of the MV Act, 1988.
- viii. In order to thoroughly examine and evaluate the considerations that were mentioned by the Hon'ble Supreme Court in paragraph no. 11 of the order dated 13.09.2023, this Ministry is required to continue having

the consultations with the stakeholders and executing authorities. The said consultations are necessary, for this Ministry to thoroughly comprehend and evaluate the issues entailed therein, as the implementation of provisions of the MV Act, 1988 and the Central Motor Vehicles Rules, 1989 (“CMVR, 1989”) comes under the purview of State Transport Department/Authority of the concerned State/ UT. And the role of Central Government is to notify the rules/ regulations under the MV Act, 1988 and CMVR, 1989.

- ix. It may be pertinent to note that for the purpose of amendment to Section 2(21), this Ministry ought to *inter-alia* examine and deliberate over the following considerations, in addition to the ones mentioned in paragraph no. 11 of the order dated 13.09.2023:
- a. *Inter-alia* Sections 7, 8, 9, 10, 183 of the MV Act, 1988 ought to be examined for the possible repercussions of an amendment to the Section 2(21).
 - b. *Inter-alia*, Form 2 under Rules 10, 14, 17 & 18, Form 8 under Rule 17A, Form 64 under Rule 175, Rule 81 may require an appropriate amendment, to align them with the amended Sections 2(21) and 10.
 - c. The potential impact of the amendment(s) to road safety, which *inter-alia* entails examination of qualification of drivers, affect on road accidents, revaluation of the safety standards of light motor vehicles, revaluation of training material for transport vehicles etc.

It may also be noted that the above considerations ought to be deliberated upon with the States/ UTs and other stakeholders.

- X After an exhaustive consultation with the stakeholders, this Ministry shall be in a position to apprise the Hon’ble Court with respect to the subject-matter of the present Petition, in due compliance with the order dated 13.09.2023. Therefore, in light of the above, the Hon’ble Court may be requested to adjourn the present proceedings *sine die*.”

- 2 We are not inclined to accede to the request made by the Union government for adjourning the proceedings *sine die*.

- 3 This Court is seized of the reference where the correctness of the three-Judge Bench decision in **Mukund Dewangan v Oriental Insurance Company Limited**² has been doubted. An element of certainty must be brought on the aspects which are raised in the reference. At the same time, we do appreciate the stance of the Union government that any exercise for amendment would involve consultations with multiple stakeholders, including the State governments since the implementation of the provisions of the Motor Vehicles Act 1988 and the Rules which are framed under it lies with the States. In this view of the matter, we direct that the Union government in MoRTH should pursue the exercise which is sought to be conducted with utmost expedition. Since consultations with the State governments/Union Territories is envisaged, we direct that all State governments/Union Territories shall cooperate in the time schedule which may be laid down by MoRTH so as not to delay the process any further.
- 4 The proceedings shall now be listed on 17 January 2024, by which date the consultations should be completed and the Union government shall place the road map on the record.
- 5 During the pendency of this reference, the judgment of the three-Judge Bench in **Mukund Dewangan** (supra) shall continue to hold the field and all courts, tribunals and authorities shall, therefore, act on that basis.
- 6 A copy of this order shall be communicated to the Chief Secretaries of all the States or, as the case may be, the Union Territories for further dispatch to their competent departments.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR