

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(s). 1110/2017

(Arising out of impugned final judgment and order dated 07-10-2015 in CR No. 49/2015 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SAFIQ AHMAD

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. . &amp; ORS. Respondent(s)

IA No. 141759/2018 - CLARIFICATION/DIRECTION  
IA No. 77754/2018 - CLARIFICATION/DIRECTION  
IA No. 67360/2018 - EXEMPTION FROM FILING O.T.  
IA No. 24664/2020 - INTERVENTION APPLICATION  
IA No. 3912/2020 - INTERVENTION/IMPLEADMENT

WITH

SLP(C) No. 6443/2019 (IV-B)

Date : 16-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE SANJIV KHANNA**For Parties**Mr. Ardhendumauli Kumar Prasad, AOR  
Ms. Shreya Srivastava, Adv.  
Mr. Ashish Madaan, Adv.Mr. Anjani Kumar Mishra, AOR  
Ms. Hardeep Kaur Mishra, Adv.  
Mr. Praveen K. Mishra, Adv.Ms. Radhika Gautam, AOR  
Mr. Praveen Agrawal, AORMr. T. G. Narayanan Nair, AOR  
Ms. Priya Balakrishnan, Adv.Mr. Devendra Singh, AOR  
Mr. Naresh K. Sharma, AOR  
Mr. Aniruddha P. Mayee, AOR  
Mr. Anil K. Jha, AOR  
Mr. Ardhendumauli Kumar Prasad, AOR  
Mr. Chanchal Kumar Ganguli, AOR  
Mr. Sibho Sankar Mishra, AOR

contd..

Mr. K.S. Mahadevan, Adv.  
Ms. Swati Bansal, Adv.  
Mr. Rajesh Kumar, AOR

Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
M/S. Arputham Aruna And Co, AOR

Mr. Arjun Garg, AOR  
Mr. Aakash Nandolia, Adv.  
Ms. Sagun Srivastava, Adv.

Mr. Parijat Kishore, AOR  
Mr. Ambhoj Kumar Sinha, AOR

Mr. V. N. Raghupathy, AOR  
Mr. Md.Apzal Ansari, Adv

Mr. Sanjai Kumar Pathak, AOR  
Mr. Suwendu Suvasis Dash, AOR  
Mr. T. R. B. Sivakumar, AOR  
Mr. Nikhil Goel, AOR

Mr. Annam D. N. Rao, AOR  
Mr. A. Venkatesh, Adv.  
Mr. Rahul Mishra, Adv.  
Ms. Ananya Khandelwal, Adv.

Mr. Sudhir Naagar, AOR  
Ms. Ruchi Kohli, AOR

Mr. Abhinav Mukerji, AOR  
Ms. Pratishtha Vij, Adv.  
Mrs. Bihu Sharma, Adv.  
Mr. Akshay C. Shrivastava, Adv.

Mr. B. Krishna Prasad, AOR  
Ms. Rachana Srivastava, AOR

Mr. Vishnu Mehra, Adv.  
Ms. Manjeet Chawla, AOR  
Mr. Yashwardhan, Adv.

Mr. Atul Nanda, Sr. Adv.  
Mr. Siddharth, AOR  
Mr. Amit Kumar Agrawal, Adv.

Mr. Siddhesh Kotwal, Adv  
Ms. Ana Upadhyay, Adv Ms. Manya Hasija, Adv  
Ms. Pragya Barsaiyan, Adv

contd..

**Mr. Akash Singh, Ad**  
**Mr. Nirnimesh Dube, AOR**

**Ms. Uttara Babbar, AOR**  
**Mr. Manan Bansal, Adv.**

**Mr. Aravindh S., AOR**

**Ms. G. Indira, Adv.**

**Sh. Deepak Thukarl, Dy. AG**  
**Dr. Monika Gusain, AOR**

**Mr. C. K. Sasi, AOR**  
**Ms. Meena K.P., Adv.**

**Mr. Sameer Parekh, Adv.**  
**Ms. Tanya Chaudhary, Adv.**  
**Mr. Kshatrashal Raj, Adv.**  
**Ms. Pratyusha Priyadarshini, Adv.**  
**Ms. Nitika Pandey, Adv**  
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**Bikash Ranjan Bhattacharya, Sr. Adv.**  
**Mr. Rauf Rahim, Adv.**  
**Mr. Uday Chatterjee, Adv.**  
**Mr. Sayanti Sengupta, Adv.**  
**Mr. Ali Asghar Rahim, Adv.**  
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**Mr. Deepawali Dutta, Adv.**  
**Mr. Deep Shikha Bharti, Adv.**  
**Mr. Amrish Kumar, AOR**  
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**Mr. Vishal Prasad, Adv**  
**Mr. Nikhil Parikshith, Adv**  
**Mr. Sayandeep Pahari, Adv.**  
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**Ms. Pragya Baghel, Adv.**  
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**Mr. Sandeep Sudhakar Deshmukh, AOR**  
**Mr. Mukesh K. Giri, AOR**

**Mr. Sahil Tagotra, AOR**  
**Mr. Subhro Mukherjee, Adv.**

**Mrs. Swarupama Chaturvedi, AOR**

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**Mr.Venkitasubramoniam T.R., Adv**  
**Mr.Likhi Chand Bonsle,Adv**  
**Ms.Komal Mundhra,Adv**

**Mr. Samar Vijay Singh, AOR**  
**Mr. Amit Ojha, Adv.**  
**Mr. Vipin Singh Bansal, Adv.**

**Mr. Sameer Nandwani, Adv.**  
**Mr. Syed Ahmed Saud, Adv.**  
**Mr. Syed Ahmed Daanish, Adv.**  
**Mr. Mohd. Parvez Dabas, Adv.**  
**Mr. Uzmi Jameel Husain, Adv.**  
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**Mr. Deepawali Dutta, Adv.**  
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**Ms. Naveen Goel, Adv**

**Mr. Vinay Mathew Adv**

**MRS. K. ENATOLI SEMA,ADV,  
Mr. AMIT KUMAR SINGH, ADV,  
Ms. CHUBALEMLA CHANG, ADV.**

**Mr. Abhimanyu Tewari, Adv  
Ms. Eliza Bar, Adv.**

**Mr. Sanjai Kumar Pathak, Adv.  
Ms. Shashi Pathak, Adv.**

**Mr. Raghuvendra Kumar, Adv.  
Mr. Anand Kr. Dubey, Adv.  
Mr. Narendra Kumar, Adv.  
Mr. D. Kumanan, AOR**

**Mr. Apoorv Kurup, Adv.  
Ms Nidhi Mittal, Adv.**

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

Despite our strong observations against the Bar Council of U.P. in our earlier order dated 05.10.2021, nobody has appeared on behalf of Bar Council of U.P.

Last time, we recorded the statement of Shri Praveen Agrawal, learned counsel, who represented the Bar Council of U.P. that he is not receiving any further instructions from the Bar Council of U.P. We observed that it is very unfortunate that in such a serious matter, where the allegations are of filing of fake claim petitions in which the advocates are also alleged to have been involved, the Bar Council of U.P. is not giving instructions to their advocate and it shows the callousness and insensitiveness on the part of the Bar Council of U.P. Therefore, we requested Shri Manan Kumar Mishra, learned senior counsel and Chairman Bar Council of India to look into the same.

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Today, also there is no representation on behalf of the Bar Council of U.P. Filing of the fake claim petitions is a very serious matter. It ultimately affects the credibility of the institution as a whole. Legal profession is always considered to be a very noble profession and such things of filing fake claim petitions in the Courts cannot be tolerated. It is the duty of the Bar Council of the State and the Bar Council of India to maintain the dignity and restore the glory of the legal profession. In the present case, unfortunately the Bar Council of U.P. is not at all serious and as observed hereinabove insensitive. Under the circumstances, we have no other alternative but to direct the Chairman and the Secretary of the Bar Council of U.P. to remain present before this Court on the next date of hearing to assist the Court.

A Status Report on affidavit has been filed by the SIT. It is reported that out of total 92 criminal cases in various districts registered till date, of which 28 advocates have been named as accused persons in 55 cases, the investigation has been concluded/completed in 32 cases and the change sheet has been filed. In rest of the cases, the investigation is stated to be pending. It is stated that consequent to the direction passed by the High Court of Allahabad, Lucknow Bench, Lucknow to the Special Investigating Team, U.P., Lucknow for investigation of the cases of suspicious claims, total 233 suspicious claims of various insurance companies have been dismissed or dismissed in default or not pressed due to of which various claim petitions claiming amount of

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Rs.300,76,40,000/- have been rejected by the Tribunals. It is very unfortunate that despite the fact that the FIRs have been filed as far as back in the year 2016-2017, still the investigation is reported to be pending. Even in the cases, where charge sheets have been filed, no charge has been framed by the courts below. The SIT was constituted by the High Court to look into the filing of the fake claim petitions and with the specific purpose. Still the investigation in most of the cases/FIRs is reported to be pending. We deprecate the negligence and or lethargy on the part of the SIT in not concluding the investigation even after 4-5 years and the of the FIR.

Shri Prasad, learned counsel appearing on the Bar Council of India has stated at the Bar that despite the fact that Bar Council of U.P. is not cooperating and sending the names of the Advocates who are indulged in such illegal activities of filing such fake claim petitions, if the BCI receives the names of the Advocates involved in filing fake claim petitions necessary disciplinary action shall be taken by the BCI against them. We direct the SIT to send to the counsel for the BCI the list of Advocates involved in filing the fake claims against whom the FIRs/Charge sheets are filed within a period of three days from today so that further disciplinary action can be taken by the BCI as stated by Shri Prasad, learned counsel appearing on behalf of the BCI.

Learned counsel appearing on behalf of the Insurance Companies have submitted that they shall file the 2-3 pages of submission on

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the *modus operandi* being operated for the purpose of filing the false/fake claim petitions. The Investigating Officer of the SIT also to file 2-3 pages note on the *modus operandi* adopted while filing the false/fake claim petitions because he is the best person to know the same while conducting the investigation of various FIRs of filing false/fake cases.

Put up on 08.12.2021.

On the next date of hearing, the Investigating Officer of the SIT to remain personally present before this Court to assist the Court. The Chairman and the Secretary of the Bar Council of U.P. are also directed to remain present before this Court on 08.12.2021 to assist the Court as observed earlier and even today, there is no cooperation/representation at all on the part of the Bar Council of U.P.

Learned counsel appearing on behalf of the Insurance companies as well as SIT to file 2-3 pages note on how the *modus operandi* is being adopted for the purpose of filing of fake claim petitions.

(NEETU SACHDEVA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER