

GOVERNMENT OF PUDUCHERRY
TRANSPORT DEPARTMENT

No. 114/TD/RTO-HQ/2019

Puducherry, dated 02-07-2019.

C I R C U L A R

Sub: TD – RTO (HQ) – Third party insurance cover for new cars not for commercial vehicles – Communicated – Reg.

Ref: 1. Circular No. 1-1/TD/RTO (HQ)/Cir/2018, dated 05-09-2018 of the Transport Department, Puducherry.

2. SPL No. 7572/2019, dated 26-04-2019 of the Hon'ble Supreme Court of India.

3. Letter No. RT-11021/33/2019-MVL, dated 18-06-2019 of the MoRTH, New Delhi.

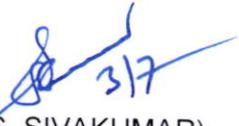
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A copy of the letter sent by the Ministry of Road Transport and Highways (MoRTH) vide reference 3rd cited, regarding the third party insurance of cover for cars.

2. The Hon'ble Supreme Court in its order vide reference 2nd cited has directed that the third party insurance cover for a period of three years for new cars is only qua private cars and not commercial vehicles.

3. It is therefore informed that, all the Registering Authorities / Asst. Registering Authorities and the vehicle dealers in the U.T of Puducherry that the third party insurance cover is mandatory for only in the capacity of private cars and not for commercial vehicles.

A Copy of the above letter is enclosed for information and compliance.


(DR. A. S. SIVAKUMAR)
TRANSPORT COMMISSIONER

TO,

1. The Regional Transport Officer, Puducherry/Oulgaret/Karaikal.
2. Motor Vehicles Inspector, Regional Transport Unit Office, Villanur/Bahour/Mahe/Yanam.
3. The Programmer, Transport Department, Puducherry – to upload in the department website
4. All the Vehicle dealers in the U.T of Puducherry.

GOVERNMENT OF PUDUCHERRY
RECEIPT No. 4024
26 JUN 2019
TRANSPORT DEPARTMENT
GENERAL SECTION



No. RT-11021/33/2019-MVL

भारत सरकार

Government of India

सड़क परिवहन और राजमार्ग मंत्रालय

Ministry of Road Transport and Highways

Transport Bhawan, 1 Parliament Street, New Delhi-110001.

OFFICE OF THE SECRETARY
(Transport / Ind. & Comm.)
No.: 1104 / Secy / Transport
Received 24 JUN 2019
Despatched on:

Dated the 18th June, 2019.

To

The Principal Secretaries/The Secretaries, Department of Transport,
The Transport Commissioners,
of all the States/UT Administrations.

Sub:- Compliance of the judgment dated 20th July, 2018 of Hon'ble Supreme Court of India in
WP(C) No.295/2012 - S. Rajasekaran V/s Union of India and Ors. - reg.

Madam/Sir,

I am directed to refer to Hon'ble Supreme Court of India order dated 20th July, 2018 in WP(C)
No.295/2012 - S. Rajasekaran V/s Union of India and Ors. regarding third party Insurance and
Ministry's advisory letters dated 29.08.2018, 12.11.2018 and 10th January, 2019 on the above
mentioned subject (copy enclosed).

2. The Hon'ble Supreme Court's in its order dated 20.07.2018 has directed that "the third party
insurance cover for new cars should mandatorily be for a period of three years and for two
wheelers it should mandatorily be for a period of five years". Further, this Ministry vide letter dated
12.11.2018 had clarified that the third party insurance covers Transport and Non-Transport vehicles
and through clarification dated 10th January, 2019 clarified that Trucks, Buses, CEVs, etc. are not
included in the order.

3. The Hon'ble Supreme Court of India vide order dated 26th April, 2019 in Special Leave to
Appeal (C) No. 7572/2019 - Divisional Manager National Insurance Company Ltd. vs M/s Shruti
Travels & Ors. has directed that order dated 20.07.2018 is only qua private cars and not
commercial vehicles.

4. In view of the above it is clarified that the third party insurance cover of three year for new
cars is only qua private cars and not commercial Vehicles. It is requested that the appropriate
instructions may please be passed to the registering authorities and the enforcement authorities for
compliance of the directions of the Hon'ble Supreme Court as above.

Yours faithfully,

(Dharkat R. Luikang)

Under Secretary to the Govt. of India
Tele/Fax: 23357125
e-mail: dharkat@nic.in

Encl.: As above.

Copy to:

1. Secretary, Supreme Court Committee of Road Safety
2. The Chairman, Insurance Regulatory and Development Authority of India (IRDA)
3. Secretary, General Insurance Council.
4. DDG, National Informatics Centre, Delhi.
5. CEO, Federation of Automobile Dealers Association
6. DG, Society of Indian Automobile Manufacturers.

28/6/19

For issuance in admin

PC

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RK

include
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SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No. 7572/2019
(Arising out of impugned final judgment and order dated 01-02-2019
in WA No. 46/2019 passed by the High Court of M.P. at Indore)

DIVISIONAL MANAGER
NATIONAL INSURANCE COMPANY LTD.

Petitioner(s)

VERSUS

M/S. SHRUTI TRAVELS & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 26-04-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Yogesh Malhotra, Adv.
Mr. Gaurav Sharma, Adv.

For Respondent(s)

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

We have perused the Minutes of the meeting dated 28.03.2019 held by the Supreme Court Committee on Road Safety. The ultimate conclusion is that the Ministry of Road Transport and Highway should issue a clarification to the effect that our order dated 20.07.2018 is only *qua* private cars and not commercial vehicles. This being the case, we issue notice to the Union of India, Ministry of Road Transport and Highway so that they may comply with this direction of our Committee.

List the matter after two weeks.

Interim stay of the impugned judgment in the meanwhile. However, this will not mean that commercial vehicles will not be allowed to ply for want of registration.

Signature Not Verified
Digitally signed by
NIDHI AHUJA
Date: 2019.04.27
13:42:39 IST
Reason: —

(RENU DI (NIDHI AHUJA)
ASSISTANT COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR

1/B

No. RT-11031/01/2017-MVL

भारत सरकार

Government of India

सड़क परिवहन और राजमार्ग मंत्रालय

Ministry of Road Transport and Highways

Transport Bhawan, 1 Parliament Street, New Delhi-110001.

Dated the 29th August, 2018.

To

The Principal Secretaries/The Secretaries (Transport)
The Transport Commissioners of all the States/UT Administrations.

Sub: Compliance of the judgment dated 20th July, 2018 of Hon'ble Supreme Court of India in WP(C) No.295/2012 - S.Rajaseekaran V/s Union of India and Ors. in the matter of third party Insurance for Car and Two wheeler -reg.

Madam/Sir,

I am directed to refer to Hon'ble Supreme Court of India order dated 20th July, 2018 in WP(C)No.295/2012 - S.Rajaseekaran V/s Union of India and Ors. regarding third party Insurance of Car and Two wheeler (copy enclosed).

2. Hon'ble Supreme Court in its order dated 20.07.2018 has directed that the third party insurance cover for new cars and two wheelers should mandatorily be for a period of three years and five years respectively. This may be taken and treated as a separate product. Hon'ble Supreme Court has further observed that it is on insurance companies to deal with comprehensive insurance policies on a separate footing and it would be at the option of the owner of the vehicle to decide which policy should be taken except that the third party insurance is mandatory. The decision should be implemented from 1st September, 2018 on the policies sold.

3. It is requested that the appropriate instructions may please be issued to the registering authorities and the enforcement authorities for compliance of the directions of the Hon'ble Supreme Court as above.

Encs: As above.

Yours faithfully,

(Abhay Damle)

Joint Secretary to the Govt. of India

011-23719209

Copy to:

The Chairman, Insurance Regulatory and Development Authority of India (IRDA), 3rd Floor, ICICI Tower, Park Road, Lower Ground Floor, Indraprastha, New Delhi-110002, Delhi State (INDIA).



No. RT-11031/01/2017-MVL

भारत सरकार

Government of India

सड़क परिवहन और राजमार्ग मंत्रालय

Ministry of Road Transport and Highways

Transport Bhawan, 1 Parliament Street, New Delhi-110001.

Dated the 13th November, 2018.

To

The Principal Secretaries/The Secretaries, Department of Transport,
The Transport Commissioners of all the States/UT Administrations.

Subject: Compliance of the judgment dated 20th July, 2018 of Hon'ble Supreme Court of India in WP(C) No.295/2012 - S. Rajasekaran V/s Union of India and Ors. - reg.

Madam/Sir,

I am directed to refer to Hon'ble Supreme Court of India order dated 20th July, 2018 in WP(C) No.295/2012 - S.Rajasekaran V/s Union of India and Ors. regarding third party Insurance. As per direction of the Hon'ble Supreme Court an advisory was issued on 29.08.2018 on the above mentioned subject.

2. Despite this Ministry's Advisory dated 29.08.2018, it has come to notice that some States are not entertaining third Party Insurance in respect of new transport category vehicles for the period of three years. It is reiterated in this connection that as per Hon'ble Supreme Court's order, it is mandatory to get third party insurance for a period of three years, whether it is used for transport or non-transport purpose.

Yours faithfully,

(Dharkat R. Luikang)

Under Secretary to the Govt. of India

Tele/Fax: 23357125

e-mail: dharkat@nic.in

15501/
12/11/18
Copy to:

1. The Chairman, Insurance Regulatory and Development Authority of India (IRDA), 3rd Floor, Parisrama Bhavan, Basheer Bagh, HYDERABAD-500004, Telangana State (INDIA).
2. Secretary, General Insurance Council.
3. DDG, National Informatics Centre, Delhi.



147
Pragyan

No. RT-11031/01/2017-MVI.

सर्वोच्च न्यायालय

Government of India

सड़क परिवहन और राजमार्ग मंत्रालय

Ministry of Road Transport and Highways

Transport Bhawan, 1 Parliament Street, New Delhi-110001.

Dated, the 5 January, 2019.

To

- i. The Principal Secretaries/The Secretaries, Department of Transport.
- ii. The Transport Commissioners of all the States/UT Administrations.

Sub: Compliance of the judgment dated 20th July, 2018 of Hon'ble Supreme Court of India in WP(C) No.295/2012 - S. Rajasekaran V/s Union of India and Ors. - reg.

Madam/Sir,

I am directed to refer to Hon'ble Supreme Court of India order dated 20th July, 2018 in WP(C) No.295/2012 - S. Rajasekaran V/s Union of India and Ors. regarding third party insurance and Ministry's advisory letters dated 29.08.2018 & 12.11.2018 on the above mentioned subject.

2. It has come to light that some State Transport Department are mandating three years third party insurance for other transport vehicles i.e. trucks, buses, construction equipment vehicles etc.

3. The Hon'ble Supreme Court in its order dated 20.07.2018 has directed that "the third party insurance cover for new cars should mandatorily be for a period of three years and for two wheelers, it should mandatorily be for a period of five years". Ministry's letter dated 12.11.2018 had further clarified that the third party insurance covers both transport and non-transport vehicles.

4. It is therefore, requested that State Transport Department may kindly take note of the Hon'ble Supreme Court order dated 20th July, 2018 in WP(C) No. 295/2012 S. Rajasekaran V/s Union of India and Ors. that it includes only new cars and two wheelers of both transport and non-transport vehicles. However, Trucks, buses, construction equipments etc and other transport vehicles are not included in it.

1/5/19
16/1/19

Yours faithfully,

(Ramandeep Chowdhary)

Deputy Secretary to the Govt. of India

Tele: 23717294

Email: ds1-morth@gov.in

Copy to:

1. Secretary, General Insurance Council.
2. DDG, National Informatics Centre, Delhi.
3. DG, SIAM.
4. Secretary, FADA.

OFFICE OF THE SECRETARY (Transport / Ind. & Comm.)	
No.:	_____
Received on:	_____
Despatched on:	_____