

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

WRIT PETITION(S)(CIVIL) NO(S). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. &amp; ORS.

Respondent(s)

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE] ..... [ REF. ORDER DATED 17.04.2025  
[ONLY IA Nos. 278218/2024 and 43387/2025 ARE LISTED UNDER THIS ITEM]

(IA No. 43387/2025 - APPROPRIATE ORDERS/DIRECTIONS AND IA NO.76249/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 278218/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA NO.33035/2021 - CLARIFICATION/DIRECTION AND IA NO.43387/2025 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 28-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Gaurav Agrawal, Sr. Adv. (A.C.)  
Mr. Ravi Raghunath, AOR  
Mr. Manan Daga, Adv.

For Petitioner(s): Mr. Krishna Kumar, AOR

For Respondent(s): Mr. Vikramjit Banerjee, A.S.G.  
Mr. Sharath Nambiar, Adv.  
Mr. T S Sabrish, Adv.  
Mr. Debojit Borkakati, Adv.  
Ms. Tusharika Sharma, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. Vikramjit Banerjee, A.S.G.  
Mr. Sharath Nambiar, Adv.  
Mr. B.K. Satija, Adv.  
Mr. T.S. Sabarish, Adv.  
Mr. Debojit Borkakati, Adv.  
Mr. Sudarshan Lamba, AOR

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Mr. Devashish Bhakura, Sr. Adv.  
Ms. Prerna Mehta, AOR

Mr. Sunny Choudhary, AOR  
Mr. Abhimanyu Singh Ga, Adv.  
Mr. Sarad Kumar Singhanian, Adv.  
Mr. Shiv Sagar Tiwari, Adv.  
Mr. Maditya Pratap Singh, Adv.

Mr. Nitin Lonkar, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR

Mr. Guntur Pramod Kumar, AOR  
Ms. Prerna Singh, Adv.  
Mr. Gautam Bhatia, Adv.

Mr. V.N. Raghupathy, AOR  
Mr. Raghavendra M. Kulkarni, Adv.  
Mr. Venkata Raghu Mannepalli, Adv.

Mr. Nishe Rajen Shonker, AOR  
Ms. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.  
Mr. Santhosh K, Adv.

Mr. Vikramjit Banerjee, A.S.G.  
Mr. Mrinal Elkar Mazumdar, Adv.  
Mr. Neeraj Kumar Sharma, Adv.  
Ms. Indira Bhakar, Adv.  
Mr. Mukesh Kumar Verma, Adv.  
Mr. Harish Pandey, Adv.  
Mr. Shashwat Parihar, Adv.  
Mr. Kanu Agarwal, Adv.  
Mr. Varun Chugh, Adv.  
Mr. Bhuvan Kapur, Adv.  
Mr. Vinayak Sharma, Adv.  
Mr. Piyush Beriwal, Adv.  
Mr. Rajesh Singh Chauhan, Adv.  
Mr. Apoorv Kurup, Adv.  
Mr. Shreekant Neelappa Terdal, AOR  
Mr. Vineet Singh, Adv.

Mr. M.P. Vinod, AOR

Mr. Kishan Chand Jain, Adv.  
Mr. Rajesh Kumar, Adv.  
Mr. Ashwini Kumar, Adv.  
Mr. Sidhant Sahay, Adv.  
Mr. E.C. Agrawala, AOR

Mr. Sameer Abhyankar, AOR  
Mr. Rahul Kumar, Adv.  
Mr. Aakash Thakur, Adv.

Mr. Azmat Hayat Amanullah, AOR  
Ms. Rebecca Mishra, Adv.

Ms. Ruchira Gupta, Adv.  
Ms. Tulika Mukherjee, AOR  
Mr. Beenu Sharma, Adv.  
Mr. Venkat Narayan, Adv.

Mr. Neeraj Shekhar, AOR  
Mr. Rajesh Kumar Maurya, Adv.  
Mrs. Kshama Sharma, Adv.  
Mr. Ujjwal Ashutosh, Adv.  
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Mr. Mata Prasad Singh, Adv.  
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Mr. Prang Newmai, Adv.

Mr. Aravindh S., AOR  
Ms. Jyoti P, Adv.

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Mr. Ishaan Sharma, Adv.  
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Mr. Tanish Arora, Adv.

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Mr. Akshay Tiwari, Adv.

Mr. Ravi Mishra, Adv.  
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Mr. Shivang Goel, Adv.  
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Mr. Ojas Mittal, Adv.

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Mr. V. Shyamohan, AOR

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Mr. Santosh Kumar-I, AOR

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Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.

Mr. Suraj Singh, Adv.

Ms. Swati Ghildiyal, AOR

Ms. Neha Singh, Adv.

Mr. Samar Vijay Singh, AOR

Ms. Sabarni Som, Adv.

Mr. Aman Dev Sharma, Adv.

Mr. Fateh Singh, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. T.K. Nayak, Adv.

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

WRIT PETITION (CIVIL) NO(S).295/2012

1. Shri V. Umashankar, Secretary of the Ministry of Road Transport and Highways, Government of India, appears through video conference. He states that the scheme for golden hour in accordance with sub-Section (2) of Section 162 of the Motor Vehicles Act, 1988 (for short, "the MV Act") will be brought into force within a period of one week from today. He states that the scheme could not be brought into force earlier as road blocks were created by the General Insurance Council (GIC). The fact that the GIC created road blocks is evident from the prayers made in IA No.68786/2025 filed by the GIC. The learned counsel appearing for the GIC seeks permission to withdraw IA No.68786/2025. Accordingly, IA No.68786/2025

is dismissed as withdrawn. The learned counsel appearing for the GIC states that the GIC will never create any road blocks in the implementation of the scheme framed under sub-Section (2) of Section 162 of the MV Act and will cooperate with the Central Government for implementation of the scheme.

2. The notified scheme shall be placed on record on or before 9<sup>th</sup> May, 2025. List on 13<sup>th</sup> May, 2025 for considering the compliance.

3. Shri V. Umashankar, Secretary of the Ministry of Road Transport and Highways, states that the Government tenders apology for non-compliance with the directions contained in paragraph 8 of the order dated 8<sup>th</sup> January, 2025.

IA NO.76249/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

4. Section 164A of the MV Act reads thus:

“164-A. Scheme for interim relief for claimants.—  
(1) The Central Government, may make schemes for the provision of interim relief to claimants praying for compensation under this Chapter.

(2) A scheme made under sub-section (1) shall also provide for procedure to recover funds disbursed under such scheme from the owner of the motor vehicle, where the claim arises out of the use of such motor vehicle or other sources as may be prescribed by the Central Government.”

5. Though Section 164A was brought into force on 1<sup>st</sup> April, 2022, for a period of three years, the Central Government has not implemented the same by framing a scheme for interim relief for the claimants. Under the

earlier Motor Vehicles Act, the Tribunals were empowered to grant such interim relief. Such an important provision like Section 164A has remain unimplemented for last three years. This failure has to be deprecated. We, therefore, direct the Central Government to frame a scheme under Section 164A of the MV Act as expeditiously as possible and, in any event, within a period of four months from today.

6. The Application is disposed of.

IA No. 278218/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

7. We direct the Registry to forward a copy of this Application along with annexures to the Supreme Court Committee on Road Safety headed by Hon'ble Mr. Justice Abhay Manohar Sapre, a retired Judge of this Court. We request the Committee to look into the prayers made in the Application and take necessary action. This Application will remain pending till the Committee takes up the issue.

IA No.33035/2021 (FOR CLARIFICATION/DIRECTION)

8. As regards the SOP framed by the Committee on Road Safety under the directions of this Court contained in the order dated 20<sup>th</sup> January, 2025, Shri Gaurav Agrawal, learned Senior Advocate appointed as Amicus Curiae states that he will provide copies of the SOP to the learned counsel representing the States so that the States can be

heard on the implementation of the SOP.

IA No. 43387/2025 (APPROPRIATE ORDERS/DIRECTIONS)

9. List on 13<sup>th</sup> May, 2025.

(ASHISH KONDLE)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)