

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS
CURIAE] [REF. ORDER DATED 24.03.2025 AND
04.04.2025]

IA No. 68786/2025 - APPLICATION FOR PERMISSION

IA No. 26710/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 202442/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 58244/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 71387/2023 - CLARIFICATION/DIRECTION

IA No. 33035/2021 - CLARIFICATION/DIRECTION

IA No. 77921/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 76249/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 09-04-2025 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, Senior Advocate, A.C.

Mr. Ravi Raghunath, AOR

Mr. Manan Daga, Adv.

For Petitioner(s) : Mr. Krishna Kumar, AOR
Mr. Vinodh Kanna B, Adv.For Respondent(s) : Mr. Vikramjit Banerjee, A.S.G.
Mr. R Bala, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. T S Sabrish, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.

Mr. Viresh B. Saharya, AOR

Ms. Prerna Mehta, AOR

Mr. Aravindh S., AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. R. Bala, Sr. Adv.
Mrs. Swarupama Chaturvedi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Ms. Misha Rohatgi, AOR
M/S. Arputham Aruna And Co, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

Mr. Kunal Mimani, AOR
Mr. Tanish Arora, Adv.

Mr. Sumit Gupta, Adv.
Mr. Akshay Tiwari, Adv.
Ms. Tanya Shrotiya, Adv.
Ms. Jaikriti S. Jadeja, AOR

Mr. D. K. Devesh, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Divyanshu Kumar Srivastava, AOR

Ms. Deepanwita Priyanka, AOR
Mr. Prashant Bhagwati, Adv.

Mr. Raghvendra Kumar, AOR

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR

Ms. Pooja Tripathi, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhishek Verma, Adv.

Mr. Kishan Chand Jain, Adv.
Mr. Haraprasad Sahu, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

Mr. V. Shyamohan, AOR
Mr. Sanjay Jain, AOR

Mr. Rajat Bhardwaj, A.A.G.
Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Kapil Balwani, Adv.
Ms. Tejal Nagauri, Adv.

Mr. Satyajeet Kumar, AOR
Ms. Astha Sharma, AOR
Mr. Shantanu Sagar, AOR
Mr. Santosh Kumar - I, AOR

Ms. Garima Prasad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyan, Adv.
Mr. Suraj Singh, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

Mr. Sunny Choudhary, AOR

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

Ms. Prerna Singh, Attorney General for India
Mr. Guntur Pramod Kumar, AOR
Mr. Dhruv Yadav, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, 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.
Mr. Sagar Chauhan, Adv.

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

Mr. Neeraj Shekhar, AOR
Mrs. Kshama Sharma, Adv.
Mr. Rajesh Kumar Maurya, Adv.
Mr. Ujjwal Ashutosh, Adv.

Mr. Subhasish Mohanty, AOR
Mr. Vivek Kishore, AOR

Mr. Anando Mukherjee, AOR

Mr. Shwetank Singh, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, 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

I.A. No.202442/2023 – Cashless Treatment during Golden Hour

Even as of today, the Government of India has not complied with the directions contained in order dated 8th January, 2025 to make a Scheme in terms of sub-section 2 of Section 162 of the Motor Vehicles Act. 1988. The time granted to the Government had expired on 14th March, 2025. According to us, this is not only a very serious breach and violation of orders of this court but it is also a case of failure to implement a very beneficial provision in the statute.

List on 28th April, 2025.

We direct the Secretary of the Ministry of Road Transport and Highways (MoRTH) to personally remain present through video conference and explain the default on the part of the Central Government.

I.A. No.71387/2023 – Hit and Run Cases

Firstly, we are considering the issue of directions issued to General Insurance Corporation of India (GIC) regarding processing

of the claims. The order dated 8th January, 2025 records that as of 31st July, 2024, 921 claims are pending. We direct GIC to place on record the latest figures of pending applications. During last two months 389 claims have been settled and 583 claims are pending. Learned Amicus Curiae has sought directions in terms of paragraphs (a) to (c) of clause 2.3 of his note filed on 24th March, 2025. clauses a to c read thus:

“(a) GIC may appoint a Nodal Officer in each State capital to coordinate with the State authorities for expeditious submissions of the documents for all Hit and Run cases.

(b) The Chief Secretary may issue instructions to all District Magistrate/Claim Settlement Officers in the State to coordinate with the Nodal Officer appointed by GIC so that there is no delay in submission of documents and processing of claims.

(c) Details of the 523 pending claims may be provided by the GIC to the Nodal Officer of each State who may be directed to follow up with the respective District Magistrate(s) for processing of the documents and payment compensation to the victim(s).”

We agree with learned Amicus Curiae and we issue directions in terms of clauses (a) to (c).

We direct the Chief Secretary of the Transport Department to issue instructions in writing to all the District Magistrates to upload the claims of hit and run cases on the GIC Portal. Obviously, if there is a difficulty in uploading the claims or in the working of the portal, the District Magistrates are free to bring the same to the notice of GIC.

Learned Amicus pointed out that in terms of order of this Court dated 12th January, 2024, some of the State Legal Services Authorities have been diligently holding meetings regarding processing of the claims.

We direct the State Legal Services Authorities to submit reports about the compliances made by them to the office of the learned Amicus Curiae by 15th July, 2025.

We direct GIC to file an affidavit in terms of this order setting out the details of the claims processed by the same date.

I.A. No.33035/2021 - Electronic Monitoring

As regards I.A. No.33035/2021, learned Amicus Curiae has brought to our notice the steps taken by the Road Safety Committee appointed by this Court. As far as the implementation of Section 136A of the Motors Vehicles Act, 1988, is concerned, the Road Safety Committee is dealing with the entire issue. If the Road Safety Committee needs any directions, it can always submit a note to the learned Amicus Curiae which can be placed before this Court for furnishing necessary directions.

I.A. No.26710/2025 - Integration of data in different websites/portals

As far as I.A. No.26710/2025, a date will be separately fixed for hearing of that application. In the meanwhile, Union of India can file affidavit by 15th July 2025 for dealing with the issues raised in this I.A.

I.A. No.77921/2024 - Speed Governors

In paragraph 5.2 of the note submitted by learned Amicus Curiae, it is mentioned that the Union of India has issued advisories to the States regarding integration of retro-fitted Speed Limitation Devices (SLD) Speed Governor Data on Transport

Vehicles with the Vahan-database.

We direct the Union of India to call for the reports from the State Governments regarding steps taken on the basis of advisories issued on 17th February, 2018 and 10th October, 2018.

We direct the Union of India to file a comprehensive affidavit placing on record the actions taken by the State Government by the end of July, 2025.

I.A. No.76249/2024 - (U/s 164A of MV Act, 1988)

As regards I.A.No.76249/2024, we are informed that Union of India has filed a counter which will be considered on 28th April, 2025.

I.A. No.68786/2025 - (Cashless Treatment)

The prayers in this I.A. will be considered on 28th April, 2025.

If Mr. K.C. Jain, learned Advocate wants to invite attention of this Court to non-compliance with any of the directions issued by this Court, he will submit a report to that effect to learned Amicus Curiae so that this Court can fix dates for considering those non-compliances.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)