

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 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 -
APPRORIATE 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

Mr. Viresh B. Saharya, AOR

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.
Mr. Ramendra Vikram Singh, Adv.

Mr. Subhasish Mohanty, AOR
Mrs. Ranjita Sahu, Adv.
Mr. Mata Prasad Singh, Adv.
Mr. Dinesh Bhadur Singh, Adv.

Mr. Vivek Kishore, AOR

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Ms. Chubalemla Chang, Adv.
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Mrs. Swarupama Chaturvedi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annirudh Sharma Ii, Adv.
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M/S. Arputham Aruna And Co, AOR

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Ms. Yashmita Pandey, Adv.

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

Mr. Sumit Gupta, Adv.
Mr. Akshay Tiwari, Adv.

Mr. Ravi Mishra, Adv.
Ms. Tanya Shrotriya, Adv.
Ms. Jaikriti S. Jadeja, AOR
Mr. Shivang Goel, Adv.
Mr. Ishaan Aggarwal, Adv.
Mr. Ojas Mittal, Adv.

Mr. D.K. Devesh, AOR

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

Mr. Divyanshu Kumar Srivastava, AOR

Ms. Deepanwita Priyanka, AOR
Ms. Priyal Sheth, Adv.
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.
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Mr. Kishan Chand Jain, Adv.
Mr. Haraprasad Sahu, Adv.
Mr. Rohit Kumar Rana, 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. Kaustubh Khanna, Adv.
Mr. Kapil Balwani, Adv.
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Mr. Santosh Kumar-I, AOR

Ms. Garima Prasad, Sr. A.A.G.

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyanī, 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 9th May, 2025. List on 13th 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 8th 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 1st 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 20th 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 13th May, 2025.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)