

\$~4

\*

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

+

FAO 842/2003 & CM APPLs.32859/2017, 41125/2017, 41126/2017,  
41127/2017, 35516/2018, 35517/2018, 46426/2018 & 7634/2020

RAJESH TYAGI & ORS.

..... Appellants

Through:

versus

JAIBIR SINGH & ORS.

..... Respondents

Through:

Mr. Rajshekhar Rao, Senior Advocate  
as Amicus Curiae with Ms. Aanchal  
Tikmani, Advocate.

Ms. Avnish Ahlawat, Standing  
Counsel for DSSSB with Ms. Tania  
Ahlawat, Mr. Nitesh Kumar Singh  
and Ms. Palak Rohemetra, Advocates  
for DSSSB.

Ms. Nandita Rao, ASC for the State  
with Ms. Gayatri Virmani and Mr.  
Amit Peswani, Advocates.

Mr. S.P. Jain, Advocate for ACKO  
Gen. Ins. and Go. Digit Gen. Inc. Co.  
with Mr. Neeraj Kumar and Ms. Kirti  
Dat, Advocates.

Ms. Meghna Nimbekar, LCCRA on  
behalf of Mr. Kanwal Jeet Arora,  
Member Secretary.

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

%

**28.06.2021**

1. Vide judgment dated 08<sup>th</sup> January, 2021, this Court framed the Special Scheme for Motor Accident Claims which has been implemented w.e.f. 02<sup>nd</sup>

April, 2021. This Court constituted a Committee to supervise the implementation of the Special Scheme. Relevant portion of the judgment dated 08<sup>th</sup> January, 2021 is reproduced hereunder:

*“31. This Court has formulated a new Scheme for Motor Accident Claims which is annexed to this judgment. The salient features of this Scheme are as under:-*

*I. The Investigating Officer shall intimate the accident to the Claims Tribunal by submitting First Accident Report (FAR) in Form - I within 48 hours of the intimation of the accident. If the particulars of insurance policy are available, the intimation of the accident in Form - I shall be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. The Investigating Officer shall furnish the copy of FAR to the victims as well as DSLSA. The Investigating Officer shall furnish the copy of FAR to Delhi State Legal Services Authority (DSLSA). The particulars of the accident shall also be uploaded on the website of Delhi Police.*

*II. The driver of the vehicle(s) involved in the accident shall furnish the relevant information namely his name, age, gender, income, driving license, period of validity of license, vehicle registration number, particulars of the owner and insurance of the vehicle etc., to the Investigating Officer in Form-III within 30 days of the accident.*

*III. The owner of the vehicle(s) involved in the accident shall furnish the relevant information namely particulars of the driver, particulars of the insurance policy, particulars of permit and fitness etc. in Form - IV to the Investigating Officer within 30 days of the accident.*

*IV. The Investigating Officer shall submit Interim Accident Report (IAR) in Form - V before the Claims Tribunal within 50 days of the accident.*

*V. The Victim(s) of the accident shall furnish the relevant information and the documents to the Investigating Officer in Form - VIA and VIB within 60 days of the accident.*

*VI. The Investigating Officer shall furnish the copy of the Victim's Forms along with the documents to the Insurance Company of the offending vehicle along with DAR whereupon the Insurance*

*Company shall verify the information and documents furnished by the victim(s) within 30 days of the receipt of the DAR.*

*VII. The Investigating Officer shall send the copy of the Victim's Form - VIB to the Child Welfare Committee along with DAR whereupon the Child Welfare Committee shall conduct an inquiry to ascertain whether the child/children of the victim(s) is/are in need of protection and care in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.*

*VIII. The Investigating Officer shall complete the investigation of the criminal case and file the Report under Section 173 CrPC before the Metropolitan Magistrate within 60 days of the accident.*

*IX. The Investigating Officer shall complete the verification of the information and documents furnished by the driver and owner of the vehicle(s) and submit the DAR with the Claims Tribunal in Form – VII within 90 days of the accident.*

*X. In the event of failure of the driver(s), owner(s), Insurance Company and/or claimant(s) to disclose any relevant information and documents, the Investigating Officer shall seek necessary directions from the Claims Tribunal whereupon the Claims Tribunal shall direct the parties in default to submit the requisite Form i.e. Driver's Form - III, Owner's Form - IV or Victim's Form - VIA and VIB, along with the relevant documents directly with the Claims Tribunal within 15 days.*

*XI. The Insurance Company shall examine the DAR and shall submit its decision before the Claims Tribunal in Form - XI within 30 days of the receipt of the copy of the DAR from the Investigating Officer.*

*XII. After the conviction of the accused in the criminal case, the learned Metropolitan Magistrate shall send the copy of the judgment as well as the affidavit of the accused with respect to his assets and income to DSLSA whereupon DSLSA shall conduct a summary inquiry and submit a Victim Impact Report (VIR) in Form - XII before the learned Metropolitan Magistrate within 30 days in terms of the Full Bench judgment of this Court in *Karan v. State NCT of Delhi*, Crl.A.352/2020 decided on 27<sup>th</sup> November, 2020.*

xxx

xxx

xxx

*33. The modified Claims Tribunal Agreed Procedure formulated*

*by this Court in Rajesh Tyagi – III is substituted with this Scheme for Motor Accidents Claims which shall be implemented by the Claims Tribunals, Delhi Police and Insurance Companies w.e.f. 02<sup>nd</sup> April, 2021.*

*34. Mr. H.S. Phoolka, Mr. Sidharth Luthra, Mr. Vikas Pahwa, Mr. Rajshekhar Rao and Mr. Satyam Thareja assisting this Court as Amici Curiae submit that successful implementation of this Scheme requires strict implementation by the Police, Insurance Companies as well as Claims Tribunals and a Committee be constituted to supervise the implementation and take remedial measures.*

*35. A Committee is hereby constituted to supervise the implementation of this Special Scheme comprising of the following members:-*

*(i) Sitting or former Judge of this Court to be nominated by the Hon'ble Chief Justice as Chairperson.*

*(ii) Member Secretary, DSLSA as Convener of the Committee.*

*(iii) Special Commissioner of Police to be nominated by the Commissioner of Police.*

*(iv) Additional Secretary in the Ministry of Road Transport and Highways to be nominated by the Secretary, Ministry of Road Transport and Highways.*

*(v) Secretary General, General Insurance Council (GIC).*

*Delhi State Legal Services Authority (DSLSA) shall provide the necessary infrastructure/support staff to the Committee. Delhi State Legal Services Authority (DSLSA) shall bear the necessary expenditure for the functioning of the Committee.*

*36. Delhi Police as well as the Insurance Companies shall file monthly reports before the Committee with respect to the compliance of the provisions of the Scheme for the previous month. The first report for the period 02<sup>nd</sup> April, 2021 to 30<sup>th</sup> April, 2021 be filed by 20<sup>th</sup> May, 2021 and thereafter by 20<sup>th</sup> of each month. The Committee shall prescribe the format of the compliance report which shall be circulated to the Delhi Police and the Insurance Companies. The Committee shall consider the reports and take such remedial measures as may be considered necessary for successful implementation of the Scheme.*

*37. The Claims Tribunals shall expedite the adjudication of*

*accident cases and make an endeavour to decide these cases within the timelines mentioned in the flow chart. The Claims Tribunals shall send the monthly statement of MACT cases decided within the timelines mentioned in the Flow Chart as well as those which could not be decided within the timelines along with the reasons for such delay, to the Registrar General of this Court. The Registrar General shall consider the said statements in terms of the directions of the Supreme Court in Jai Prakash v. National Insurance Co., S.L.P. (C.) 11801-11804/2005, vide order dated 13<sup>th</sup> May 2016. The Registrar General shall place these statement(s)/report(s) before the ACR Committee of the Judicial Officer.*

*38. If any modification is considered necessary in this Scheme, the same shall be carried out by the Committee after hearing the stakeholders. Any suggestion or grievance with respect to the working of this Scheme shall be considered by the Committee.*

*39. Delhi Police shall modify/replace the Standing Order, Accident Investigation Manual and Check-list in terms of the new Scheme within four weeks. Delhi Police shall incorporate the directions contained in para 7 of the judgment dated 14<sup>th</sup> February, 2020 in their Accident Investigation Manual. The Delhi Police shall also create a Monitoring Cell to ensure the implementation of this Scheme within four weeks. Delhi Police shall consider preparing system/software in which the non-filing/delay in filing the reports namely FAR, IAR and DAR within the stipulated timelines will be automatically intimated to the higher authorities.*

*40. On 14<sup>th</sup> February, 2020, this Court directed Delhi Police to implement DAR procedure on the same lines as is being done in Tamil Nadu. This Court constituted a Committee for developing the mobile/web application in consultation with all the stakeholders. However, the Committee has not yet submitted its report. The Committee shall complete the deliberations within four weeks and submit a report before this Court on the next date of hearing.”*

2. Vide judgment dated 08<sup>th</sup> January, 2021, this Court directed the Delhi Police to implement the Pilot Project for resolving Road Accident Death Cases in New Delhi District. This Court also constituted a *FastTrack*

*Committee to implement the FastDAR Scheme. The Fast Track Committee convened the meetings and formulated a FastDAR Scheme for resolving Road Accident Death Cases within 10 days of the accident. The Pilot Project commenced from 01<sup>st</sup> May, 2021 and on the very first day of the Pilot Project i.e. 01<sup>st</sup> May, 2021, a fatal road accident was taken up under the FastDAR Scheme and was resolved within 10 days. The award was passed by the Claims Tribunal on 10<sup>th</sup> May, 2021 and the award amount of Rs.32 lakhs was deposited by the Insurance Company on 12<sup>th</sup> May, 2021 which was released to the claimants on 30<sup>th</sup> May 2021. Relevant portion of the judgment dated 12<sup>th</sup> May, 2021 is reproduced hereunder:*

*“FastDAR Scheme for Road Accident Death Cases Launched  
on 01<sup>st</sup> May, 2021*

*Road Accident Death Compensation case decided within 10  
days of the accident*

*1. Can a compensation claim relating to road accident death be resolved within 10 days of the accident? This Court visualized that it was possible as back as in 2011. Reference be made to Motor Accident Claims Referencer, 2011 Edition of Delhi Judicial Academy. The relevant para of Referencer is reproduced hereunder: -*

*Motor Accident Claims Referencer of Delhi Judicial Academy*

*“INTRODUCTION*

*Many years ago, one of my friends visited Canada where he met with an accident. He was immediately rushed to the hospital. The police immediately informed the Insurance Company of the insured vehicle whereupon the Insurance Company deputed their officer who visited the hospital and met my friend and also the Medical Superintendent to find out how much expenses were likely to be incurred on his treatment. On the basis of the statement of the Medical Superintendent, the officer prepared a cheque of US \$ 6000/- and offered the same to my friend without prejudice so that if more expenses are incurred, the same could be claimed later. The payment was made within 24 hrs of the accident. As a result,*

*my friend was not burdened with any medical expenses.*

*The Insurance Companies in our country are aware of this procedure and they actually implement the same in case of loss/damage of the motor vehicles. If a car is damaged in an accident, the Insurance Company immediately appoints a surveyor who inspects the vehicle on the same day, takes the photographs, discusses the estimated loss with the workshop and gives clearance for repair of the vehicle within 24 hours. The cheque for the expenses on the repair of the vehicle is paid directly to the workshop.*

*In case of death of victims of road accident, the principles of calculation of compensation are well settled. The age and income of the victim and the number of dependants of the deceased victims have to be verified to compute the compensation. If the officer of the Insurance Company visits the house of the deceased victim immediately after the accident, these three things could be ascertained and necessary documents can be collected. At the time of grief, there would not be any possibility of manipulation/exaggeration and the compensation on that basis could be tendered to the family of the deceased victim.”*

*2. On 14<sup>th</sup> February, 2020, this Court directed the Delhi Police to launch a Pilot Project for resolving the compensation claims of road accident deaths in New Delhi District within 30 days of the accident. This Court constituted a Committee comprising of Mr. Surinder S. Rathi, Registrar, Supreme Court at that time, as a Convenor, Mr. Rahul Mehra, learned Standing Counsel for Delhi Police at that time, Mr. Rajesh Deo, DCP (Legal Cell), Delhi Police and Mr. Satyam Thareja, Amicus Curiae to frame the Fast Track Scheme for implementation of this Pilot Project.*

*3. On 08<sup>th</sup> January, 2021, this Court directed the Committee to formulate the Fast Track Scheme of the Pilot Project for resolving the compensation claim cases of road accident deaths within 30 days. This Court further directed the Pilot Project to be implemented w.e.f. 02<sup>nd</sup> April, 2021.*

*4. The Fast Track Committee constituted by this Court convened the meetings of all the stake holders on 27<sup>th</sup> April, 2021, 30<sup>th</sup> April, 2021, 04<sup>th</sup> May, 2021, 06<sup>th</sup> May, 2021, 07<sup>th</sup> May, 2021 and 08<sup>th</sup> May, 2021. The Committee formulated a FastDAR Format and the*

*Standard Operating Procedure (SOP) of the Pilot Project for resolving the claims cases of road accident deaths within 10 days of the accident.*

*5. This FastDAR Scheme for resolving the compensation claims of road accident death within 10 days of the accident was launched as a Pilot Project on 01<sup>st</sup> May, 2021.*

*6. On the very first day of the Pilot Project i.e. 01<sup>st</sup> May, 2021, a road accident was reported at 03:45 AM at Vasant Vihar, Police Picket in which a Honda CRV car rammed into police barricade and hit a police constable, Munshi Lal which resulted in fatal injuries. The police registered FIR No. 78/21 at P.S. Vasant Vihar. This case was brought to the notice of the Fast Track Committee on 04<sup>th</sup> May, 2021. The Committee took up the matter with the Investigating Officer and provided the FastDAR Format to the Investigating Officer. The Investigating Officer verified the driving license as well as valid Insurance policy and filed the FastDAR before the Claims Tribunal on 08<sup>th</sup> May, 2021. The relevant portion of the FastDAR is reproduced hereunder:*

*xxx*

*xxx*

*xxx*

*7. The Honda CRV car was insured with Bajaj Allianz GIC Limited. The Insurance Company appeared before the Committee on 06<sup>th</sup> May, 2021. The Insurance Company was satisfied with respect to the valid driving license, valid insurance policy as well as the negligence of the offending vehicle.*

*8. The family of the deceased submitted the relevant information/documents relating to the age, occupation and income of the deceased and particulars of his family members. The Insurance Company verified the documents relating to age, occupation and income of the deceased and offered fair compensation of Rs.32 lakh which was accepted by the family of the deceased and their statement was recorded.*

*9. The Claims Tribunal took up the matter in the Pre-Lok Adalat sittings on 07<sup>th</sup> May, 2021 and 08<sup>th</sup> May, 2021 to record the settlement for Rs.32 lakh. Relevant portion of the order dated 08<sup>th</sup> May, 2021 is reproduced hereunder:*

*xxx*

*xxx*

*xxx*

*10. On 10<sup>th</sup> May, 2021, the Claims Tribunal held the sitting of the Special Lok Adalat to pass an award for Rs.32 lakh in favour of the*



*claimants. The son and daughters of the deceased submitted that the entire compensation be paid to the widow of the deceased whereupon the Court disbursed the entire compensation amount to the widow of the deceased by keeping Rs.25 lakh in 60 FDRs of about Rs.41,666.66 for the period of 1 month to 60 months with cumulative interest in the name of the widow of the deceased and the balance Rs.7 lakh was released to the widow of the deceased. The relevant portion of the award dated 10<sup>th</sup> May, 2021 is reproduced hereunder:*

*xxx*

*xxx*

*xxx*

*11. The Insurance Company deposited Rs. 32 lakh with the Claims Tribunal on 12<sup>th</sup> May, 2021 and the amount is being released to the family of the deceased in terms of the award.*

*12. The first case of the FastDAR Scheme has been resolved in a record time of ten days. The family of the victim will receive the compensation without having to file any compensation case as the FastDAR submitted by the Investigating Officer was treated as a claim petition by the Tribunal.*

*13. The success of the FastDAR Scheme in the first case is the result of extraordinary efforts put by all the stakeholders. The contribution of the stakeholders in the successful implementation of the FastDAR Scheme needs to be noted which is as under: -*

*(i) The Fast Track Committee in coordination with the Implementation Committee formulated FastDAR Format and the Standard Operating Procedure (SOP) for the implementation of the FastDAR Scheme in a record time in consultation with all the stake holders.*

*(ii) The accident dated 01<sup>st</sup> May, 2021 was brought to the notice of the Fast Track Committee on 04<sup>th</sup> May, 2021 whereupon Mr. Surinder S. Rathi, OSD-cum-Registrar immediately convened the meeting of the Fast Track Committee.*

*(iii) Mr. Rajesh Deo, DCP (Legal Cell) Delhi Police who is the Member of the Committee, took up the matter with Delhi Police. The Investigating Officer, SI Pankaj Kumar was provided with the FastDAR Format and the Standard Operating Procedure (SOP) of the FastDAR Scheme. The Investigating Officer completed the investigation in a record time and submitted the FastDAR Format on 08<sup>th</sup> May, 2021.*

*(iv) The offending vehicle was insured with Bajaj Allianz GIC Limited. Mr. Mangesh Gandhi, Legal Head (Claims) of Bajaj Allianz GIC Ltd. attended the Committee meeting. The Insurance Company joined the investigation to verify the factum of the accident, rash and negligent driving and valid driving licence. Bajaj Allianz GIC Ltd. completed the verification process within a record time.*

*(v) The family of the deceased victim appeared before the Committee and produced the relevant documents relating to the age, income and the particulars of the family members of the deceased victim whereupon the Insurance Company verified the relevant documents, expeditiously computed the compensation and offered fair compensation of Rs.32,00,000/- which was accepted by the family of the deceased.*

*(vi) The Motor Accident Claims Tribunal convened a Special Lok Adalat sitting organised by DSLSA to record the statements of the parties and pass the award (judgment) whereby compensation of Rs.32,00,000/- was awarded to the legal representatives of the deceased on 08<sup>th</sup> May, 2021.*

*(vii) On 10<sup>th</sup> May, 2021, the Lok Adalat passed the disbursement order according to which Rs.7,00,000/- was released to the widow of the deceased by transferring the same to her savings bank account and the balance Rs.25,00,000/- was kept in 60 FDR's of about Rs.41,666.66/- each for the period of 1 month to 60 months with cumulative interest in the name of widow of the deceased. The widow of the deceased shall receive Rs.41,666.66/- along with interest thereon every month for next five years.*

*(viii) Bajaj Allianz GIC Limited deposited Rs.32,00,000/- with the Claims Tribunal on 12<sup>th</sup> May, 2021.*

*(ix) The Members of the Fast Track Committee as well as the Implementation Committee and all the stakeholders including Delhi Police, Insurance Company and the Claims Tribunal have acted in unison to make this Pilot Project successful.*

xxx

xxx

xxx

*16. This Court hopes that the FastDAR Scheme for resolution of compensation claims of road accident deaths shall continue in the same spirit in which it has started.*

*17. In view of the successful implementation of the FastDAR*

*Scheme of the Pilot Project in the first case, the FastDAR Scheme is extended to compensation claims of all road accident death cases in Delhi in which the following five conditions are satisfied: -*

- (i) The death is due to the rash and negligent driving of the offending vehicle;*
- (ii) The driver of the offending vehicle is holding a valid driving licence;*
- (iii) The offending vehicle is validly insured at the time of the accident;*
- (iv) In case of a commercial vehicle, there is a valid permit and fitness certificate; and*
- (v) There is no violation of the Insurance policy such as drunken driving or the vehicle being driven by a minor.*

*18. The Investigating Officers shall report all accidents in which the above mentioned five conditions are satisfied to the DCP concerned, within 03 days of the accident, whereupon the DCP shall forward the same to DCP (Legal Cell) for being placed before the Committee. The Investigating Officer shall submit the FastDAR Format before the Claims Tribunal as well as before the Committee within five days of the accident. The Committee shall immediately take up the matter with the concerned Insurance Company whereupon the Insurance Company shall appoint the Investigator/Surveyor who shall join the investigation with the Investigating Officer to verify the rashness/negligence, validity of driving license, validity of insurance policy and validity of fitness/permit, in case of commercial vehicle. The Insurance Company shall verify the age, income and family members of the deceased victim and shall submit their response in the prescribed format to the Claims Tribunal within 2-3 days of the receipt of the FastDAR Format from the Investigating Officer. The Claims Tribunal shall take up the matter expeditiously, as has been done in the present case, to ensure that the award is passed expeditiously and the money is deposited with the Claims Tribunal within ten days of the accident.*

*19. In the event of any delay in resolution of a compensation claim of a road accident death, the Claims Tribunal shall make an endeavour to complete the proceedings as expeditiously as possible, within 30 days of the accident as visualized in the order*

*dated 14<sup>th</sup> February, 2020 and judgment 08<sup>th</sup> January, 2021.*

*20. The DSLSA, Delhi Police, GIC as well as all the Insurance Companies shall notify this FastDAR Scheme on their websites to bring it to the notice of general public. Any claimant can avail this FastDAR Scheme, if all the above mentioned five requirements are fulfilled. The claimant can approach the Committee by submitting the application in the format to be prescribed by the Fast Track Committee. The Fast Track Committee shall examine the application and if all the conditions are fulfilled, the Committee shall take up the matter under the FastDAR Scheme.*

*21. The Final Report of the Fast Track Committee including the FastDAR Format and Standard Operating Procedure (SOP) and the Reports of the Implementation Committee are hereby approved and are annexed to this judgment.*

*22. On 14<sup>th</sup> February, 2020, this Court constituted the Fast Track Committee comprising of Mr. Surinder S. Rathi, Mr. Rahul Mehra, Mr. Rajesh Deo, and Mr. Satyam Thareja. The Constitution of the Fast Track Committee is hereby reconstituted and it shall comprise of the following members: -*

- (i) Mr. Surinder S. Rathi, OSD-cum-Registrar, Delhi High Court as Convenor*
- (ii) Mr. Kanwal Jeet Arora, Member Secretary DSLSA*
- (iii) Mr. Manoj Kumar Nagpal, Special Judge CBI*
- (iv) Mr. Rakesh Kumar Singh, Joint Registrar, Delhi High Court*
- (v) Mr. Rajesh Deo, DCP (Legal Cell) Delhi Police*
- (vi) Mr. Satyam Thareja, Advocate*
- (vii) Mr. Akshay Chowdhary, Advocate*

*23. Mr. Surinder S. Rathi, Convenor of the Fast Track Committee shall communicate this order to the newly added members of the Fast Track Committee.*

*24. Vide judgment dated 08<sup>th</sup> January, 2021, this Court constituted an Implementation Committee in para 35 of the judgment. This Court is of the view that the Implementation Committee formed by this Court warrants expansion. The following Officers are added as Members of the Implementation Committee:-*

- (i) Mr. Surinder S. Rathi, OSD-cum-Registrar, Delhi High Court.*

- (ii) Law Secretary to Government of NCT of Delhi.*
- (iii) Principal Secretary, Transport, Government of NCT of Delhi.*
- (iv) Chairman, IRDA or his nominee.*
- (v) Head of WHO Project on Road Safety in India or his nominee.*
- (vi) Ms. Nandita Rao, Additional Standing Counsel of Government of NCT of Delhi.*
- (vii) Mr. Akshay Chowdhary, Advocate”*

3. On 24<sup>th</sup> June, 2021, this Court added Mr. Shashi Kaushal, Special Commissioner, Transport Department, GNCTD and Mr. K.C. Gupta, Additional Secretary, MoRTH, In-charge of Road Safety as members on the recommendation of the Implementation Committee. Relevant portion of the order dated 24<sup>th</sup> June, 2021 is reproduced hereunder:

*“10. The Implementation Committee has recommended that Mr. Shashi Kaushal, Special Commissioner, Transport Department, GNCTD and Mr. K.C. Gupta, Additional Secretary, MoRTH, In-charge of Road Safety be added as Members of the Implementation Committee. The suggestion of the Implementation Committee is hereby accepted and the Special Commissioner, Transport, GNCTD and Mr. K.C. Gupta, Additional Secretary, MoRTH, In-charge of Road Safety are added as Members of the Implementation Committee. Mr. Kanwal Jeet Arora, Member Secretary, DSLSA (Convenor) is directed to inform the newly inducted members. The report of the Implementation Committee dated 02nd June, 2021 is hereby accepted.”*

4. On 25<sup>th</sup> June, 2021, this Court noted that 18,009 cases were pending before Motor Accident Claims Tribunals as on 31<sup>st</sup> May, 2021. This Court constituted a Sub-Committee for preparing an action plan for categorisation of cases and the disposal of the entire arrears within one year. Relevant portion of the order dated 25<sup>th</sup> June, 2021 is reproduced hereunder:

*“2. The statement of Judge-wise pendency of MACT cases reflects that there is unequal distribution of cases inasmuch as some Tribunals have got less than 500 cases whereas some Tribunals have more than 2000 matters. This Court is of the view that in order to achieve better disposal of these case, there is a need for equal distribution of cases.*

*3. This Court is of the view that it would be appropriate for the High Court on the administrative side to consider equal distribution of these MACT cases.*

*4. Learned amicus curiae submits that an Arrears Committee be constituted under the Implementation Committee to prepare an action plan for disposal of all pending 18,009 cases within a span of one year. It is submitted that the pending MACT cases can be categorized in different categories including as (i) Death cases where liability is not disputed; (ii) Death cases where the liability is disputed; (iii) Injury cases where the liability is not disputed; (iv) Injury cases where the liability is disputed; (v) Cases where there is no insurance policy; (vi) Cases where driver of the offending vehicle has no driving licence; (vii) Cases where driver of the offending vehicle has fake driving licence; (ix) Cases of drunken driving; (x) Cases of fake/false claims; (xi) Cases of recovery rights. It is submitted that the Arrears Committee can prepare an action plan for disposal of all pending cases within one year and Delhi shall be the first State to have zero pendency of the MACT cases.*

*5. There is merit in the suggestions given by the learned amicus curiae. In that view of the matter, the Arrears Committee is hereby constituted for preparing an action plan for clearing the pendency of 18,009 cases within one year. The Arrears Committee shall comprise of following members:*

*(i) Mr. Surinder S. Rathi, Officer of DHJS presently posted as OSD-cum-Registrar to Hon’ble Chief Justice of High Court of Delhi, (Convenor);*

*(ii) Motor Accident Claims Tribunal Judge to be nominated by the Chief Justice;*

*(iii) Mr. Kanwal Jeet Arora, Member Secretary, DSLSA;*

*(iv) Mr. Bharat Parashar, Chairman Centralized Computer Committee, Rouse Avenue District Court;*

(v) *CMM Headquarters, Tis Hazari.*

6. *The Arrears Committee shall prepare an action plan for expeditious disposal of all pending MACT cases within one year. The Arrears Committee shall prepare a list of the categories of cases and categorise the cases. The Arrears Committee shall also invite and consider the suggestions from Judicial officers who had presided over Motor Accident Claims Tribunals in past. The report of the Arrears Committee shall be placed before the Implementation Committee.”*

5. On 25<sup>th</sup> June, 2021, this Court considered the modalities for the working of the *Implementation Committee, Fast Track Committee* and *Arrears Committee*. It was suggested that sufficient space is available in Rouse Avenue Court Complex for the working of the Committees. With respect to the requirement of manpower for the working of the Committee, it was suggested that MoRTH, DSLSA, Delhi Police, as well as Road Transport Department of GNCTD shall depute one person each for the working of the Implementation Committee. With respect to the financial aspect for the working of the Committee, it was suggested that MoRTH and the Transport Department of GNCTD should bear the same. Relevant portion of the order dated 25<sup>th</sup> June, 2021 is reproduced hereunder:

*“7. This Court has considered the requirement of office space for the working of the Implementation Committee. It is suggested that there is sufficient space in Rouse Avenue Courts Complex and the matter be taken up with the High Court on the Administrative Side for space being provided to the Committee in Rouse Avenue Courts Complex. It is suggested that MoRTH, DSLSA, Delhi Police as well as Road Transport Department of GNCTD shall depute one person each for the working of the Implementation Committee. It is further suggested that the Secretarial staff be provided to the Implementation Committee by the High Court.*

8. *The financial requirements of the Committee were also*

*considered. It is suggested that the MoRTH and Transport Department of Government of NCT of Delhi should bear the official expenses of the working of the Implementation Committee, Fast Track Committee and Arrears Committee.”*

6. This Court is of the view that it would be appropriate to treat this petition as a Public Interest Litigation and list before the Hon’ble the Chief Justice to consider the above suggestions regarding the working of the *Implementation Committee*, the *Fast Track Committee* and the *Arrears Committee*. All suggestions regarding the requirement of office space, man power and the financial aspects of the Committees be placed before the Division Bench.

7. In view of the above, the Registry is directed to register these proceedings as a PIL and list the same before the Division Bench presided over by the Hon’ble the Chief Justice on 08<sup>th</sup> July, 2021.

8. It is further clarified that this appeal has already been decided on merits and therefore, need not be listed again before this Court. Pending applications are disposed of.

**J.R. MIDHA, J.**

**JUNE 28, 2021**  
**ak**