

**INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS**

**CIN: U80902TG2005NPL047675**

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Date: 03<sup>rd</sup> November, 2020

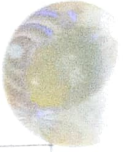
**STAY ORDER ON ELECTIONS FOR IIISLA-NORTH-EAST CHAPTER**

Dear members,

The Hon'ble Gauhati High Court Vide its order dated 02<sup>nd</sup> November, 2020, in W.P(C) No. 4604/2020, stayed conducting the Elections for IIISLA-North-East Chapter, copy of the order is attached herewith. Accordingly, the Elections for the IIISLA-North-East Chapter is withheld.

Regards  
Election Officer  
IIISLA

GAHC010156872020



Application No	Application Received on	Date on which copy was made ready	Fees paid (Rs)	Posting date to Delivery Desk
493234	03/11/2020	03/11/2020	100 00	03/11/2020

**THE GAUHATI HIGH COURT**  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4604/2020

GOLAP GOGOI AND 4 ORS.

S/O- LATE B.R. GOGOI, R/O- GAMES VILLAGE, BLOCK NO. A-6, FLAT NO 102, BORSAJAL BASISTHA, GUWAHATI-29, DIST - KAMRUP(M), ASSAM.  
2. SNEHASISH NATH BHOWMIK

Age:

Occupation :

S/O- LATE KSHITISH NATH BHOWMIK  
RUPNAGAR  
NEAR BRAHMAH KUMARI  
P.O. INDRAPUR  
P.S. PALTANBAZAR  
GUWAHATI- 781032  
DIST - KAMRUP(M)  
ASSAM

3. SOBHAN MALLA BUZAR BARUAH

Age:

Occupation :

S/O- LATE RATNA MALLA BUZAR BARUAH  
H.NO. 75  
K.R.B. ROAD  
P.O. AND P.S. BHARATUMUKH  
GUWAHATI- 781009  
DIST - KAMRUP(M)  
ASSAM

4. SARBA SADHAN DEWAN

Age:

Occupation :

S/O- LATE SANTI RANJAN DEWAN  
MONOMOTI COMPLEX  
2ND FLOOR  
BARABAZAR  
P.O. PANDU



P.S. JALUKBARI  
GUWAHATI- 781012  
DIST.- KAMRUP(M)  
ASSAM.

5: SANJIB SINHA

Age:

Occupation :

S/O- LATE SUNAMONI SINHA  
TARUN NAGAR  
BYE LANE NO. 6  
P.O. DISPUR  
P.S. BHANGAGARH  
GUWAHATI- 781005  
DIST.- KAMRUP(M)  
ASSA

VERSUS

THE INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF  
INDIA AND 13 ORS.  
HAVING ITS HEAD OFFICE AT SY NO. 115/1, FINANCIAL DISTRICT,  
NANAKRAMGUDA, GACHIBOWLI, HYDERABAD- 500032, REP. BY THE  
CHAIRMAN. 2:THE INDIAN INSTITUTE OF INSURANCE SURVEYORS AND  
LOSS ASSESSORS

Age: 0

Occupation :

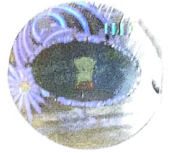
HAVING ITS REGISTERED OFFICE- 6-1-73  
OFFICE NO. 104 AND 106  
FIRST FLOOR  
SAEED PLAZA  
LAKDI KA PUL HYDERABAD- 500004  
TELENGANA  
INDIA  
REP. BY THE PRESIDENT.

3:THE INDIAN INSTITUTE OF INDURANCE SURVEYORS AND LOSS  
ASSESSORS

Age: 0

Occupation :

NORTH EAST CHAPTER  
HAVING ITS OFFICE AT LAMB ROAD  
UZAN BAZAR  
NEAR UGARTARA DEVALAYA  
GUWAHATI-01  
DIST.- KAMRUP(M)  
ASSAM  
REP. BY THE SECRETARY.



4:MR. R. RAMKRISHNA GUPTA  
Age: 0  
Occupation :  
ELECTION OFFICER  
FLAT NO. T. 202  
TECHNOPOLIS  
1-10-74/B  
ABOVE RATNADEEP  
SUPER MARKET  
CHIKOTI GARDENS  
BEGUMPET  
HYDERABAD- 500016.

5:NATIONAL SECURITIES DEPOSITORY LIMITED  
Age: 0  
Occupation :  
HAVING ITS HEAD OFFICE AT TRADE WORLD  
AWING  
4TH FLOOR  
KAMALA MILLS COMPOUND  
LOWER PAREL  
MUMBAI-400013  
REP. BY THE MANAGING DIRECTOR AND CEO.

6:AMAR CHANDRA SEAL SARMA  
Age: 0  
Occupation :  
S/O- UNKNOWN  
KRM APARTMENT  
4/G MAGZINE  
VIP ROAD  
P.O. HENGRABARI  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM

7:BIRINCHI KUMAR DAS  
Age: 0  
Occupation :  
S/O- SRI RAM KUMAR DAS  
BRINDABAN HATI  
BARPETA  
ASSAM  
PIN- 781301.

8:DEBOJYOTI SARMAH  
Age: 0



Occupation :  
S/O- UNKNOWN  
KRISHNA MARKET  
NEAR D.R. BRIJMOHAN. A.T. ROAD  
JORHAT- 785001  
ASSAM.

9:JITEN KALITA  
Age: 0  
Occupation :  
S/O- UNKNOWN  
BLAZON SURVEY CO.  
DOHA BORA ROAD  
JORHAT- 785001  
ASSAM.

10:RUPAK DEKA  
Age: 0  
Occupation :  
S/O- UNKNOWN  
LAXMI MARKET (NERA KANARA BANK)  
GANESHGURI CHARIALI  
G.S. ROAD  
GUWAHATI- 781006.

11:SANDIP ROY  
Age: 0  
Occupation :  
S/O- UNKNOWN  
SANKARDEV PATH  
P.O. SRIPURIA  
TINSUKIA- 786145  
ASSAM.

12:SHANKAR BAROOAH  
Age: 0  
Occupation :  
S/O- UNKNOWN  
C/O- GAUTOM MEDICOS  
NEAR HANUMAN MANDIR  
NEW GUWAHATI- 781020  
ASSAM.

13:SHISHIR GOSWAMI  
Age: 0  
Occupation :  
S/O- UNKNOWN  
NEAR UGRATARA DEVALAYA 30



LAMB ROAD  
UZANBAZAR  
GUWAHATI- 781001.

14:SURAJIT CHOUDHURY  
Age: 0  
Occupation :  
S/O- UNKNOWN  
H/NO. 20  
LACHIT NAGAR  
BYE LANE NO. 8/1  
ULUBARI  
GUWAHATI- 781007  
ASSAM

**Advocate for the Petitioner** : MR. A DAS

**Advocate for the Respondent** :

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**02.11.2020**

This writ petition has been moved in this Vacation Court today by making a mention in Court.

Heard Mr. A. Das, learned counsel assisted by Mr. N.I. Khan, learned counsel appearing for the petitioners. None has appeared for the respondents.

The petitioners are Surveyors and Loss Assessors registered under the Insurance Regulatory and Development Authority of India. According to the petitioners the Indian Institute of insurance Surveyors and Loss Assessors is a Company registered under the Companies Act, 1956 read with Companies Act, 2013 but is under the supervision and control of the Insurance Regulatory and Development Authority of India.

For the Chapter and Zonal Elections, 2020, a Notification was issued on 03.10.2020 by the Election Officer appointed laying down the procedure for election. The Election is required

*Handwritten signature in red ink and a blue circular stamp.*





to be held under Article 52(2) (viii) & (xvii) of the Articles of the Associations of the Company. By the said Notification, the timelines for the various activities involved for the Chapter and Zonal Election for the year 2020 were modified. In so far as the scrutiny of nominations forms are concerned, the procedure is laid down Sl. No. (a) to (f) of the Notification dated 03.10.2020 (at Page-80 of this writ petition).

Mr. A. Das, learned counsel for the petitioner submits that the petitioners in terms of the said Notification dated 03.10.2020 submitted their nominations and the same was accordingly accepted and declared and published its website as valid nomination on 16.10.2020 by the Election Officer. In so far as the North-East Chapter is concerned, the names of the petitioners appeared at Sl. Nos. 4, 6, 7, 13 & 14. Being thus situated, the petitioners were awaiting for the polling date as per schedule (amendment up-to-date). However to the surprise of the previous Notification dated 21.10.2020 a final list of candidates eligible for Election to Chapter Counsels was published by the Election Officer. The petitioners are aggrieved by the fact that in so far as the North-East Chapter is concerned, their names are not reflected and/ or found to be a part of the final list of the candidates.

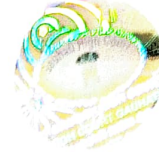
Being aggrieved, they have represented before the Election Officer by various E-Mails raising their concerns that although the names had appeared in the list of valid nominated candidate list on 16.10.2020 but they have been found to be dropped from the subsequent final list which was published. However till date the respondents E-Mails have not been responded to by the Election Officer.

Learned counsel for the petitioner submits that the Elections are scheduled to be held tomorrow, i.e., on 03.11.2020 from 7:00 AM in the morning through E-Voting which to be conducted by the respondent No.5/ National Securities Depository Limited.

Learned counsel for the petitioners has drawn the attention of this Court to the procedure laid down in the Notification dated 03.10.2020 for scrutiny of nomination papers.

I have heard the learned counsel for the petitioners and have also perused the documents available on records. As per the Election procedure laid down in the Notification dated 03.10.2020 at Sl. No. 2, regarding scrutiny of nomination forms, it is seen that at Sl. No.-C, list of candidates whose nomination forms are valid shall be published on its website

*Ariz*



which has accordingly been done on 16.10.2020 and the same is available at page-121 of the petition. Thereafter, it is seen that the procedure provided at Sl. Nos. D & E are meant for those candidates whose names are not found in the final list at Sl. No.-C.

In other words, unless a person withdraws his name(s) from the candidature, the final list at Sl No.-F should include the names of the candidates whose nomination forms are found to be valid and published on the website as per Clause-C. Under the circumstance, the petitioners have been able to make out the case that the procedure laid down has not been followed by the Election Officer appointed and notwithstanding the names of the petitioners being shown in the list of valid nominations (at page-128), the same are not found at in the final list of candidates eligible for Election to the Chapter Counsel (at page -140).

Accordingly, Issue Notice, returnable on **01.12.2020**.

Learned counsel for the petitioner is permitted to take steps for service of notice upon the respondents including proforma respondents by registered post along with A/D and also by way of E-Mail and file an affidavit of compliance before the next date fixed.

In the meanwhile, until further orders, the Election proposed to be held tomorrow, i.e., 03.11.2020 from 7:00 AM in the morning, in so far as the North-East Chapter is concerned, shall remain stayed.

It is also made clear that the Election in respect of the other Chapters be continued as per Schedule. Since, this order is passed ex-parte, the respondents are at liberty to file application seeking alteration/ vacation of the interim order, if so advised.

List this matter on **01.12.2020**.

*sd/- Soumitra Saikia*

JUDGE

*03/11/2020*

Comparing Assistant

CERTIFIED TO BE TRUE COPY  
*Bidyut Bikash Goswami*  
Date *03/11/2020*  
Administrative Officer (Judicial)  
Copying Section  
Gauhati High Court  
Authorised U/S 76, Act 1, 1872