IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.2849 of 2022

Insurance Regulatory and Development Authority of India

...Appellant

Versus

Alankit Insurance TPA Ltd.

...Respondent

O R D E R

In the present appeal, we are concerned with the impugned order which remanded the matter of renewal of Certificate of Registration of the respondent herein, to the Authority, directing it to pass a fresh order in accordance with law, in the light of the observations made in the impugned order.

2. We heard, Mr. N. Venkataraman, learned A.S.G. appearing for the appellant and Mr. Sudhir Makkar, learned Senior Counsel appearing for the respondent.

3. Learned A.S.G. would contend that the Authority is only concerned with the observation made in the order which indicate that the TPA Regulations with respect to renewal are not mandatory. The learned Senior Counsel for the respondent,

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Reason:

however, would assert that even if they are considered mandatory, the respondent satisfies the criteria.

4. The Regulations are produced in the Appendix, is called the Insurance Regulatory & Development Authority of India (Third Party Administrators-Health Services) Regulations, 2016. The issue is with respect to the renewal of the Certificate of Registration of the respondent to act as a Third Party Administrator (TPA). Admittedly, it was renewed for the period November 18, 2017 to November 17, 2020. On October 01, 2020, the appellant filed an application for renewal of the Certificate of Registration under Regulations 2015 which stood rejected for the Minimum Business Requirement (MBR) not being satisfied.

5. The MBR, as seen from Regulation 14, requires compliance with minimum business norms towards health services for the insurers registered with the authority, as may be specified by the Authority from time to time, the services not reckoned for such minimum business norms being mentioned in the proviso. The non-compliance with MBR is stipulated in Regulation 15(C). As per Clause 6 of Regulation 15(C), if the MBR is not satisfied by a TPA, the same shall be decided in the manner provided under

sub-clauses (a) to (b) and if that is not satisfied then under sub-clause (c), there shall be no renewal.

6. The consideration of the respondent TPA comes under sub-clause (b) of Section 15 (c)(b), as admitted by both parties, which is extracted hereinbelow: -

> *b. Where a TPA has failed to fulfil the minimum business requirements in any of the parameters specified in one financial year, but has met with the norms on an average basis for the years under consideration the Authority may consider the renewal based on the reasons furnished by the TPA.*

7. The learned A.S.G. also points out that the MBR of TPAs is brought out by the Authority, produced at Annexure A5, of which the following paragraph is relevant and extracted hereinbelow: -

> *In respect of the applications received for the renewal of the certificate of registration, the business procured in the applicable preceding Financial Years shall be taken into consideration while determining the fulfilment of minimum business requirements in accordance to the provisions of Regulation 15 (C) (6). Where a TPA Company has completed more than six months business in a financial year and due for renewal, such TPA Company shall fulfil the proportionate business in respect of the completed number of* months in that incomplete financial year. In case if a TPA Company has completed less than six months in a financial year and due for renewal, that period may be ignored.

8. It is the submission of the Authority that when the renewal period extends beyond the six months period, in a financial year, the proportionate business in respect of completed number of months in that incomplete financial year shall be taken into account. Hence, the authority submits that insofar as the respondent is concerned though the earlier certificate was valid upto 17.11.2020, the consideration can be only with respect to policies serviced till 30.10.2020, since in the incomplete financial year, there are only seven completed months from April to October. Even if such consideration is made, the MBR is satisfied, is the contention of the respondent.

9. In this context, we also have to observe that the contention taken by the respondent, as noticed in the impugned order, is that there were 6,666 policies serviced on 27.10.2020 which were processed in November and December by the insurance company.

10. Hence, if the premiums were paid and the policies were serviced by the respondent, necessarily these have to be reckoned which however will have to be considered by the Authority.

11. In the above circumstances, we affirm the order of remand but however make it clear that the Authority shall consider the issue on the basis of the TPA Regulations which are mandatory in nature. However, it shall also be considered as to whether the policies or lives processed in the months of November and December 2020 were, in fact, serviced in October 2020.

12. The appeal stands disposed of.

13. Pending application(s), if any, shall also stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 20, 2026.

ITEM NO.54 COURT NO.5 SECTION XVII

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

Civil Appeal No.2849/2022

INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA **Appellant(s)**

VERSUS

ALANKIT INSURANCE TPA LTD. **Respondent(s)**

[TO BE TAKEN UP AT THE END OF MISCELLANEOUS BOARD]
IA No. 54258/2022 - EX-PARTE STAY
IA No. 54260/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 212138/2026 - VACATING STAY

Date : 20-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s) : Mr. N. Venkataraman, A.S.G.
Mr. Abhishek Singh, Adv.
M/S. K Ashar & Co.- 2148, AOR

For Respondent(s) : Mr. Sudhir Makkar, Sr. ADv.
Ms. Saumya Gupta, Adv.
Ms. Srija Choudhary,Adv. AOR
Ms. Sanya Oberoi, Adv.
Ms. Barkha Gautam, Adv.

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

1. The appeal is disposed of in terms of the signed order.

2. The relevant part of the order is as under:-

"11…...we affirm the order of remand but however make it clear that the Authority shall consider the issue on the basis of the TPA Regulations which are mandatory in nature. However, it shall also be considered as to whether the policies or lives processed in the months of November and December 2020 were, in fact, serviced in October 2020."

3. Pending application(s), if any, shall stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)