ANNOUNCEMENT FOR THE ATTENTION OF THE MEMBERS

Manner of Reporting by the Statutory Auditors on Accounting for Liabilities Arising on Dismantling of Indian Motor Third Party Insurance Pool (IMTPIP) Prescribed by IRDA

1. As the members are aware, the Insurance Regulatory and Development Authority (IRDA) had *vide* its Order No. IRDA/NL/ORD/MPL/277/12/2011 dated 23rd December 2011 had directed the dismantling of the Indian Motor Third Party Insurance Pool (IMTPIP) with effect from 31st March 2012.

2. Subsequently, *vide* its Order No. IRDA/F&A/ORD/MTPP/070/03-2012 dated 22rd March 2012, in exercise of its powers under section 34 of the Insurance Act, 1938, prescribed, *inter alia*, the following accounting treatment in respect of the "transitional liabilities" relating to the financial years 2009-10, 2010-11 and 2011-12, arising on account of such dismantling as follows:

> *"3. The IMPTPIP liabilities upon estimation/re-estimation of actuarially determined liabilities relating to the financial years (accounting years as the practice is) 2009-10, 2010-11 and 2011-12 following the dismantling of the IMTPIP shall be determined and such determined liabilities (Transitional Liabilities) shall be recognized by insurers by making an irrevocable choice to recognize the said transitional liabilities:*
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> *a. Immediately in the financial year ending March, 2012; or*

b. *As an expense on a straight-line basis over upto the three years beginning with the financial year ending March, 31, 2012.*

c. *An insurer opting for (b) above, shall:*

(i) Disclose at the end of each financial year the amount of transitional liabilities that remains unrecognized; and the amount recognized in the financial year; and

(ii) Shall ensure that the expense to be recognized in subsequent years shall not be less than the expense that shall fall due on a straight-line basis; and

(iii) In case the actual liability in respect of past years i.e. underwriting years until March, 31, 2012 being more than the amount on straight-line basis, such additional liabilities shall be recognized in full, in addition to the amount falling due for recognition on straight-line basis."

3. The Council of the Institute of Chartered Accountants of India at its 316th meeting held from 15th to 17th May 2012 considered the accounting treatment prescribed under paragraph 3(b) of the above mentioned Order of IRDA *vis a vis* the impact thereof on the auditor's report since non-recognition of the said liability where an insurer exercises the option under paragraph 3(b) is not in accordance with accounting principles generally accepted in India.

4. On a consideration of the matter, the Council of the Institute noted that the aforesaid accounting treatment has been prescribed by the IRDA in exercise of its powers under section 34 of the Insurance Act, 1938. Accordingly, the statutory auditors need not qualify their audit report on account of such accounting treatment followed by the insurance company. The matter should, however, be brought out by the auditors in the audit report by way of an "*Emphasis of Matter*

Paragraph" in accordance with the Standard on Audit (SA) 706, "Emphasis of Matter Paragraphs and Other Matter Paragraphs in the Independent Auditor's Report, provided the non-recognition of the said liability pursuant to the aforesaid order of IRDA is appropriately disclosed, with quantification, by the insurer by way of the notes to the accounts in the financial statements.

5. An illustrative Emphasis of Matter Paragraph in the audit report is as follows:

> "Emphasis of Matter
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> Without qualifying our opinion, we draw attention to Note X to the financial statements, which describes deferment of the liability on dismantling of the Indian Motor Third Party Insurance Pool by the Company to the extent of Rs.YYY pursuant to the exercise of the option for the accounting treatment for the same prescribed under paragraph 3(b) of Insurance Regulatory and Development Authority Order no. IRDA/F&A/ORD/MTAP/070/03/2012 dated 22nd March 2012. "

6. Members may note that the aforesaid disclosure in the Notes to the Accounts would normally include.

- Quantification of the actual amount of the total liability on dismantling.
- amount of transitional liabilities that remains unrecognized; and
- the amount recognized in the financial year;

7. Further, pursuant to dismantling of the IMTPIP by the IRDA, the insurance company's accounting policy for recognition of liability incurred by it in respect of third party risks of specified commercial motor vehicles (specified risks) would also undergo a change. Accordingly, the Company would also need to appropriately disclose such change in accounting policy in its Notes to Accounts. An illustrative disclosure in this respect is this regard is also given below.

8. An illustrative Notes to Accounts in respect of treatment of liability arising on account of dismantling of IMTPIP for the financial years 2007-08 and 2008-09 and the transitional liability in respect of the financial years 2009-10, 2010-11 and 2011-12 is as follows:

"During the year, the Insurance Regulatory and Development Authority *vide* its Orders No. IRDA/NL/ORD/MPL/277/12/2011 dated 23rd December 2011 directed the dismantling of the Indian Motor Third Party Insurance Pool (IMTPIP).

Subsequently, the IRDA *vide its Order No.* IRDA/F&A/ORD/MTPP/070/03-2012 dated 22nd March 2012, in exercise of its powers under section 34 of the Insurance Act, 1938, prescribed, the following accounting treatment in respect of the liability arising on account of the dismantling of the IMTPIP:

"2. The additional IMPTPIP liabilities upon re-estimation of actuarially determined liabilities relating to underwriting years 2007-08 and 2008-09 shall be accounted for and recognized in full in the financial year ending March 31, 2012 itself. The Pool Manager shall quantify the liability in respect of each insurer for this purpose.

3. The IMPTPIP liabilities upon estimation/re-estimation of actuarially determined liabilities relating to the financial years (accounting years as the practice is) 2009-10, 2010-11 and 2011-12 following the dismantling of the IMTPIP shall be determined and such determined liabilities (Transitional

Liabilities) shall be recognized by insurers by making an irrevocable choice to recognize the said transitional liabilities:

(a) Immediately in the financial year ending March, 2012; or

(b) As an expense on a straight-line basis over upto the three years beginning with the financial year ending March, 31, 2012."

As a result of dismantling of the IMTPIP, the Company has incurred the following liability:

2007 – 08		:	Rs. DDD (as quantified by the Pool Manager)
2008 – 09		:	Rs. GGG (as quantified by the Pool Manager)
Total	**(A)**	**:**	**Rs. JJJ**

Transitional Liability

2009-10	:	Rs. PPP
2010-11	:	Rs. QQQ
2011-12	:	Rs. TTT

Total Transitional liability (B): Rs. AAA

TOTAL LIABILITY ON ACCOUNT OF DISMANTLING (A) + (B) : Rs. HHH

Accordingly, in terms of the requirements of paragraph 2 of IRDA's Order of 22nd March 2012, an amount of Rs. JJJ has been charged to the Profit and Loss Account for the current financial year ended 31st March 2012.

Further, the Company has decided to exercise the option given under paragraph 3(b) of the aforesaid Order of IRDA in respect of the accounting treatment of Transitional Liability amounting to Rs. AAA and, thus, would amortize the amount of Rs. AAA over a period of three years. Accordingly, Rs. CCC (representing one-third of Rs. AAA) has been charged to the Profit and Loss Account for this financial year. Further, in terms of the requirements of paragraphs 3(b) and (c) of the aforesaid Order of IRDA, the balance amount carried forward is Rs. YYY (Rs. AAA – Rs. CCC).

Had the Company chosen to exercise the option given under paragraph 3(a) of the aforesaid Order of the IRDA, the Company would have been required to recognise the entire amount of Transitional Liability of Rs. AAA in its Profit and Loss Account for the year 2011-12. Accordingly, the profit of the company would have been lower by Rs.YYY pursuant to recognition of the said liability in the year of dismantling of IMTPIP."

9. An illustrative Notes to Account in respect of change in the accounting policy in respect of third party risks of specified commercial motor vehicles is as follows:

"Till the financial year 2010-11, the Company had the following accounting policy in respect of respect of third party risks of specified commercial motor vehicles (specified risks):

(state the policy hitherto being followed by the company)

Pursuant to the dismantling of the IMTPIP by the IRDA with effect from 31st March 2012, with effect from 1st April, 2012, it would not be possible for the Company to transfer the risks incurred by it on account of third party risks of specified commercial motor vehicles by way of reinsurance of same through IMTPIP. Accordingly, the Company would be required to provide for the entire amount of related liability and also recognize the entire amount of other related expenditure in the financial statements of the relevant financial year."