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

\+ **W.P.(C) 12915/2023, CM APPL. 50865/2023, CM APPL. 38618/2025 and CM APPL. 2314-2315/2026**

HDFC BANK LTD .....Petitioner

Through: Mr. Rishab Raj Jain, Mr. Shariqui Hussain and Ms. Dhanakshi Gandhi, Advocates.

versus

O P CHAUDHARY .....Respondent

Through: Mr. Kanishk Arora and Ms. Sakchie Saluja, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **14.01.2026**

1. The petitioner prays for the following reliefs:-

"a. Call for the records from the Learned Consumer Disputes Redressal District Forum -VI, Vikas Bhawan, I. P. Estate, New Delhi In Execution Petition No. 171 of 2011 titled O.P. Chaudhary Vs. HDFC Bank Ltd.;

b. Set aside the Impugned orders / judgment dated 10.05.2023 and 13.09.2023 passed by National Consumer Disputes Redressal Commission in Revision Petition bearing no. 1619 of 2017 and Review Application bearing no. RA/269/2023 respectively, and in that behalf;

c. Pass an order to the effect that the order passed by District Forum for holding the Petitioner Bank guilty of contempt and issuance of NBW against the Executive Director of the Petitioner vide order dated 28.05.2012 and 0710/2013 be quashed/ set-aside.

d. Pass such other and further order or orders as may deem fit & proper in the facts and circumstances of the present case."

2. The respondent had availed overdraft facility from the petitioner-bank and had furnished certain LIC policies as security towards the same. Thereafter, alleging that the petitioner had unauthorisedly appropriated the policies despite regularly clearing his dues, the respondent filed a complaint against the petitioner under the provisions of Consumer Protection Act, 1986. The said complaint was allowed by the District Commission on 06.12.2007. The petitioner challenged the same by way of appeal to the State Commission, which was dismissed on 05.10.2010. A second challenge was made before the National Commission, which too was dismissed on 13.05.2011.

3. Thereafter, execution proceedings were instituted before the District Commission, wherein, *vide* the impugned order dated 28.05.2012 the petitioner was directed to return certain amount of money to the respondent. Further, taking note of the fact that some of the said policies were surrendered despite the pendency of proceedings, it was held that the petitioner herein has committed contempt with respect to the order under execution. The petitioner then filed an application before the District Commission itself, seeking recall of the order dated 28.05.2012. The said application was dismissed *vide* the impugned order dated 07.10.2013. The petitioner was directed to comply with the earlier directions, failing which, a non-bailable warrant was directed to be issued against its Executive Director. The petitioner was also directed to 'bear and forget' any outstanding dues from the respondent.

4. The petitioner, thereafter, filed a common appeal against the orders dated 28.05.2012 and 07.10.2013 before the State Commission. The said appeal was disposed of, holding that the challenge to the order dated

28.05.2012 was barred by limitation. The order dated 07.10.2013 was partly set aside to the extent of the directions for the petitioner to 'bear and forget' its dues. The other directions in the said order were upheld.

5. A revision petition against the order of the State Commission was filed before the National Commission. The National Commission has considered the arguments of the petitioner in the impugned order dated 10.05.2023, and finding no illegality, material irregularity, or jurisdictional error in the order of the State Commission, has dismissed the petition.

6. The National Commission has also directed the petitioner to comply with the directions passed by the District and State Commissions within a specified time period failing which, the petitioner has been held to be liable to pay interest. The said order was again challenged before the High Court and having been granted liberty to approach the National Commission, a review application was filed. The said review application was also dismissed *vide* order dated 13.09.2023. This is how the instant petition came to be filed.

7. Learned counsel appearing on behalf of the petitioner, during the course of arguments, has taken this Court through various documents and he tries to emphasise that the petitioner is being held liable to make double payment to the respondent against the same policy. According to him, some of the policies were surrendered and the amount was credited to the respondent's account and was duly withdrawn by the latter.

8. The aforesaid submissions are vehemently opposed by learned counsel for the respondent. According to him, this Court is not a fact finding authority and adjudication having been made right up to the National Commission, there is no reason as to why the impugned order should be

interfered with.

9. Having considered the submissions made by learned counsel for the parties, the Court finds that instant is a petition exercising rights under Article 227 of the Constitution of India. The Supreme Court in the case of ***Rajendra Diwan v. Pradeep Kumar Ranibala and Another***,[1] has clearly held that the Court in its power under Article 227 of the Constitution of India is not required to re-appreciate evidence and instead should confine its interference to cases involving patent errors of law which go to the root of the decision such as, perversity, arbitrariness, and/or unreasonableness, violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The relevant portion of the said decision is extracted below, for reference:

> *"**85.** The power of superintendence conferred by Article 227 is, however, supervisory and not appellate. It is settled law that this power of judicial superintendence must be exercised sparingly, to keep subordinate courts and tribunals within the limits of their authority. When a Tribunal has acted within its jurisdiction, the High Court does not interfere in exercise of its extraordinary writ jurisdiction unless there is grave miscarriage of justice or flagrant violation of law. Jurisdiction under Article 227 cannot be exercised "in the cloak of an appeal in disguise"*
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> ***86.** In exercise of its extraordinary power of superintendence and/or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not re-assess or re-analyse the evidence and/or materials on record. Whether the High Court would exercise its writ jurisdiction to test a decision of the Rent Control Tribunal would depend on the facts and circumstances of the case. The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of the law."*

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[1] (2019) 20 SCC 143

10. The execution of the orders is being lingered on for one reason or the other. The impugned orders do not seem to suffer from any of the aforenoted infirmities to warrant interference by this Court and accordingly, the same is upheld.

11. Even otherwise, the essence of the arguments of the petitioner lies in arithmetical calculation. The District Commission is fully empowered to take into consideration the aspect of prior payment, if any. Granting the liberty to the petitioner to raise the said aspects in the execution proceedings and reserving the rights of the respondent to emphasize that the factual assertions, which are put forth herein, would have no bearing on the final outcome before the District Commission, the petition is disposed of.

12. The petitioner is to approach the District Commission for redressal of his grievance within fifteen days from the date of receipt of this order.

13. Interim directions as per order dated 03.10.2023 to remain in force till the adjudication of the petitioner's grievance.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 14, 2026
Nc/ksr