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

W.P.(C) 3850/2025

Date of Decision: **18.03.2026**

IN THE MATTER OF:

R K SHARMA

.....Petitioner

Through: Mr. V.P. Sharma, Advocate.

versus

ORIENTAL INSURANCE CO. LTD. THROUGH REGIONAL
MANAGER RO 1 AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The grievance raised by the petitioner is two-fold—*first*, that no opportunity of hearing was extended before the impugned order dated 31.07.2023 was passed by the National Consumer Dispute Redressal Commission ('NCDRC'); and *second*, that the order was passed by a Bench, which was *coram non-judice*.

2. So far as the submission with respect to the order being passed by a Bench, which was *coram non-judice* is concerned, this Court in the case of *Sita Devi v. Punjab National Bank*¹ has held as under:-

¹ 2026:DHC:2001.



“A perusal of the relevant provisions of the Consumer Protection Act, 2019 (CPA, 2019) and the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 (Regulations, 2020) indicate that as per the statutory scheme, the proceedings of the National Commission may be conducted by Benches comprising of a single-member, who is a judicial member. What follows is that, single-member Benches comprising of a judicial member may hear appeals and pass orders.”

Thus, this submission of the petitioner is liable to be rejected.

3. However, the position taken by the petitioner, that it not being granted an opportunity of hearing, remains uncontroverted. There is no material available on record to indicate that the petitioner was granted any opportunity of hearing.

4. The Supreme Court in *Biecco Lawrie Ltd. and Anr. v. State of West Bengal and Anr.*,² has observed that both sides in a dispute being heard is fundamental to fair procedure. Notice being required to be served was further considered as an essential ingredient of fair hearing. The material portion of the judgement reads as under:

“24. It is fundamental to fair procedure that both sides should be heard—audi alteram partem i.e. hear the other side and it is often considered that it is broad enough to include the rule against bias since a fair hearing must be an unbiased hearing. One of the essential ingredients of fair hearing is that a person should be served with a proper notice i.e. a person has a right to notice. Notice should be clear and precise so as to give the other party adequate information of the case he has to meet and make an effective defence. Denial of notice and opportunity to respond result in making the administrative decision as vitiated.”

5. In *Canara Bank v. V.K. Awasthy*,³ the Supreme Court in eloquent terms described adherence to principle of natural justice to be of “supreme

² (2009) 10 SCC 32.

³ (2005) 6 SCC 321.



importance” when actions involving civil consequences are involved. Para. 10 of the said decision is extracted as under:

“10. The adherence to principles of natural justice as recognised by all civilised States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the “Magna Carta”. The classic exposition of Sir Edward Coke of natural justice requires to “vocate, interrogate and adjudicate”. In the celebrated case of Cooper v. Wandsworth Board of Works the principle was thus stated: (ER p. 420)

“[E]ven God himself did not pass sentence upon Adam before he was called upon to make his defence. „Adam” (says God), „where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?”

Since then the principle has been chiselled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.”

6. The Supreme Court in the case of **PC Jain v. Dr. RP Singh**⁴ has also set aside an *ex-parte* order passed by the National Commission on a review application, without issuing notice.

7. In light of the facts of the instant case and the law discussed above, the Court, instead of going into the merits of the matter, deems it appropriate to set aside the same only on this ground alone.

⁴ (2024) 11 SCC 721.



2026:DHC:2457



8. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent to decide afresh after extending opportunity of hearing to the petitioners. If the petitioner, thereafter, is aggrieved by the said order, he shall be at liberty to take appropriate recourse in accordance with law.

9. Pending application also stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 18, 2026

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