



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

*Judgment Reserved on: 12.03.2026 & 13.03.2026*

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*Judgment Delivered on: 07.04.2026*

+ **LPA 119/2026 & CM No.15024/2026**

**HETALI ENTERPRISES & ANR.**

.....Appellants

versus

**DR. VIJAY PURUSHOTTAM KALE**

.....Respondent

+ **LPA 120/2026 & CM No.15026/2026**

**HETALI ENTERPRISES & ANR.**

.....Appellants

versus

**DR. SATISHCHANDRA P KALE & ANR.**

.....Respondents

+ **LPA 123/2026 & CM No.15460/2026**

**HETALI ENTERPRISES & ANR.**

.....Appellants

versus

**DR. PURUSHOTTAM G. KALE**

.....Respondent

**Advocates who appeared in these cases**

For the Appellants : Mr. Robin Jaisinghani, Mr. Bhaskar  
Nayak and Ms. J. D' Silva,  
Advocates.

For the Respondents : Mr. Viraj Kadam, Advocate.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TEJAS KARIA**



## JUDGMENT

### TEJAS KARIA, J

1. The present batch of Letters Patent Appeals have been preferred against the common judgment and order dated 07.01.2026 (“**Impugned Order**”) passed in W.P.(C) 10901/2022 , W.P.(C) 10921/2022 and W.P.(C) 10922/2022 (“**Writ Petitions**”), whereby the Writ Petitions challenging order dated 13.05.2022 (“**Review Order**”) passed in the Review Applications filed by the Appellants before the National Consumer Disputes Redressal Commission (“**NCDRC**”) seeking review of order dated 08.12.2021 (“**Final Order**”) passed by the NCDRC were dismissed.

### FACTUAL MATRIX

2. The brief factual matrix reading up to the filing of the present Appeals is as under:

2.1. The Respondents had filed the respective complaints before the NCDRC under Section 21(a)(i) of the Consumer Protection Act, 1986 (“**Act**”) against the Appellant and the Andheri Nav-Bahar Cooperative Housing Society Ltd. (“**Society**”) seeking compensation towards alleged deficiency, unfair trade practice and delayed possession of their flats under redevelopment plan.

2.2. The said complaints were decided by the NCDRC *vide* the Final Order. The NCDRC observed in the Final Order that the flats were purchased by the Respondents from the Appellant for consideration and surrendering the old flats of the Respondents. The NCDRC also found that the Appellant had violated Clause 90 of the agreement between the Appellant and the Respondents,



which provided that in case of shortage in area, the Parties would be compensated @ ₹24,650/- per sq. ft. carpet area.

- 2.3. The NCDRC concluded that there was a deficiency in service by the Appellant as the amount was not paid in a timely manner as per the agreement and, accordingly, directed the Appellant to refund the charges collected by the Appellant to the Respondents towards deficiency in open space @ 9% per annum from 06.01.2015 till realization and to pay the amount towards shortage in carpet area @ 24,650/- per sq. ft. on the date of possession with interest @ 9% per annum from 05.01.2016 till its realization.
- 2.4. The NCDRC also directed the Appellant to pay ₹10,00,000/- towards mental agony for delay of eight months in handing over the possession as well as directed the Appellant and the Society to pay ₹2,00,000/- jointly and severally towards litigation cost to each of the Respondents.
- 2.5. Being aggrieved by the Final Order passed by the NCDRC, the Appellant filed the Appeals before the Supreme Court. The Supreme Court *vide* order dated 04.04.2022 permitted the Appellant to withdraw the Civil Appeals and approach the NCDRC by filing a Review Application. Accordingly, the Appellant preferred Review Applications before the NCDRC, which were rejected *vide* the Review Order.
- 2.6. The Appellant challenged the Review Order passed by the NCDRC by way of Writ Petitions before this Court. *Vide* order dated 21.07.2022, the Notice was issued to the Respondents in the



Writ Petitions and the Respondents were directed to file Counter Affidavit.

- 2.7. In the meanwhile, the Respondents filed Execution Proceedings on 23.02.2022 before the NCDRC. The Execution Proceedings were disposed of *vide* orders dated 10.06.2024 and 23.08.2024 (“**Execution Orders**”).
- 2.8. The Execution Orders were challenged by way of W.P.(C) 13834/2024, W.P.(C) 13837/2024 and W.P.(C) 13846/2024 (“**Execution Writ Petitions**”) before this Court.
- 2.9. The Writ Petitions challenging the Review Order were dismissed by way of the Impugned Order on 07.01.2026.
- 2.10. *Vide* order dated 23.01.2026, the Execution Writ Petitions challenging the Execution Orders were dismissed. Being aggrieved by the said order dated 23.01.2026, the Appellant had filed LPA 86/2026, LPA 87/2026 and LPA 88/2026, which were also dismissed by this Bench *vide* order dated 24.02.2026.
- 2.11. The Appellant has preferred the present Appeals challenging the Impugned Order dismissing the Writ Petitions.

### **SUBMISSIONS ON BEHALF OF THE APPELLANTS**

3. The learned Counsel for the Appellants has submitted as under:
  - 3.1. The learned Single Judge failed to appreciate that the Review Order passed by the NCDRC rejecting the Review Applications was a nullity as the same was a non-speaking order. It is a settled law that the orders must be supported by reasons and an order without reasons is a nullity as held in *Indian Oil Corporation Ltd.*



- v. Ashok Kumar Arora* (1997) 3 SCC 72, *Rakesh Bhatnagar v. Union of India & Ors.* (2014) 15 SCC 646, *Kranti Associates Pvt. Ltd. & Anr. v. Masood Ahmed Khan & Ors.* (2010) 9 SCC 496 and *Vasudeo Vishwanath Saraf v. New Education Institution & Ors.* (1986) 4 SCC 31.
- 3.2. In *Siemens Engineering & Mfg. Co. v. Union of India* AIR (1976) SC 1785, it is held that the rule requiring reasons to be given in support of an order is like the principle of *audi alteram partem*, which is a basic principle of natural justice and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy the requirement of law. In support of the submission that a non-speaking order is violative of the principles of natural justice and, therefore, a nullity, the following decisions were relied upon:
- a) *Ram Swaroop v. Shikar Chand & Anr.* AIR (1966) SC 893
  - b) *Udit Narain Singh Malpaharia v. Additional Member Board of Revenue, Bihar & Anr.* AIR (1963) SC 786
  - c) *M/s. R.B. Shreeram Durga Prasad and Fatehchand Nursing Das Swaroop v. Settlement Commission (IT & WT)* AIR (1989) SC 1038; and
  - d) *Institute of Chartered Accountants v. L.K. Ratna & Ors.* (1986) 3 S.C.R. 1049.
- 3.3. The learned Single Judge failed to appreciate that the Final Order was completely vague and ambiguous as the judgment must have clarity on the exact relief that is granted by the court so that it may



not create further complications and / or difficulty in execution. It is settled law that every litigant must know what actual relief he has received from the Court as held in *Pramina Devi v. State of Jharkhand* (2022) 6 SCC 581.

- 3.4. The Final Order contained several errors of fact evident on the face of the record, which had been brought to the notice of the NCDRC, however, the Review Order did not decide any of the grounds raised in the Review Applications. Since the Review Order was passed without giving any reasons, the Writ Petitions ought to have been allowed by setting aside the Review Order and remanding the matter back to the NCDRC to decide the Review Applications on merits. However, the learned Single Judge passed the Impugned Order erroneously by holding that no grounds for review had been made out and by way of review, the Appellant had sought re-appreciation of evidence.
- 3.5. The Review Order contains errors apparent on the face of the record as it records the incorrect assertion that the Appellant was required to hand over possession of the flat by 28.01.2015 by calculating the period of 27 months from the date of license agreement dated 31.01.2012. However, in fact, the possession was stipulated to be handed over within 27 months from the 'license date', defined as the date when vacant possession of the entire building was delivered to the Appellant, which occurred only on 28.01.2013. Therefore, the specified date of 28.01.2015 was erroneous.



- 3.6. The award of compensation of ₹10,00,000/- for delay of eight months in handing over possession was also incorrect as it was calculated based on erroneous date of 28.01.2015 as the actual date was 30.06.2015 on a purely mathematical calculation. Accordingly, the compensation granted at ₹1,25,000/- per month for the delay would be reduced to ₹3,75,000/- instead of ₹10,00,000/-. This calculation error has caused grave prejudice to the Appellant and miscarriage of justice.
- 3.7. Further, the Appellant was directed to pay a sum of ₹24,650/- per sq. ft. towards shortage in the carpet area in the Final Order. However, the carpet area found to be short was not specified in the Final Order, which is also a factual error evident on the face of the record. It is a settled law that reliefs cannot be granted without the appropriate finding on the relevant issue involved as held in ***Kishore Kumar Khaitan v. Praveen Kumar Singh*** (2006) 3 SCC 312.
- 3.8. Even in granting relief towards open area deficiency premium, the Final Order was completely vague and ambiguous as the amount of money ordered and directed to be refunded was not specified in the operative portion of the Final Order.
- 3.9. The Impugned Order has failed to appreciate that the principles of natural justice had been violated as the Review Order did not give any reasons in support of rejecting the Review Applications. Accordingly, the present Appeals deserve to be allowed by setting aside the Impugned Order and the Review Order.



### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

4. The learned Counsel for the Respondents submitted that the Impugned Order has rightly dismissed the Writ Petitions as the Review Applications sought re-appreciation of the entire matter before the NCDRC. Further, there was no factual error pointed out by the Appellants, much less any substantial error, to warrant the recall of the Final Order.

5. It was further submitted on behalf of the Respondents that the Impugned Order has concluded that the Final Order was passed after considering the overall facts and circumstances and the fact that the flats were handed over by the Appellant only on 01.01.2016 and, therefore, the alleged factual error had no significance.

6. Accordingly, it was submitted on behalf of the Respondents that the present Appeals ought to be dismissed while upholding the Impugned Order.

### **ANALYSIS AND FINDINGS**

7. We have heard the learned Counsel for the Parties and considered the material available on record.

8. The NCDRC has passed the Review Order dismissing the Review Applications on the ground that the Final Order was self-contained and self-speaking and there was no reason found to reopen and reexamine the case in review. Further, it was found by the NCDRC in the Review Order that there was no reason to modify or amend the Final Order. Accordingly, the Review Applications were dismissed by reiterating the Final Order.

9. The Appellant's primary ground for challenging the Review Order was that the Review Order failed to provide any justification for denying the Review Applications. Instead, it asserted that the Final Order was



comprehensive and explicit and concluded there was no apparent basis to reopen or reconsider the matter without sufficient grounds to alter or amend the Final Order.

10. The Appellant has relied upon the decisions in *Indian Oil Corporation Ltd. (supra)*, *Rakesh Bhatnagar (supra)*, *Kranti Associates (supra)* and *Vasudeo Vishwanath Saraf (supra)* to contend that the judicial orders must be supported by reasons and orders passed without reasons are a nullity.

11. The learned Single Judge has observed that the Parties were heard at length by the NCDRC before passing the Final Order, which is a well-reasoned order. The learned Single Judge has also observed that the averments made in the Review Applications were seeking the re-appreciation of entire matter afresh.

12. The learned Single Judge has also considered the argument of the Appellant regarding the error in calculating the delay on the part of the Appellant in handing over the possession within 27 months from the date of the actual vacation of the flats and not from the date of license agreement. However, the learned Single Judge, in the Impugned Order records that since the flats were handed over by the Appellant to the Respondents only on 01.01.2016, the alleged factual error was of no significance.

13. Further, the Impugned Order has held that the ground taken by the Appellant that the Review Order did not contain reasons and was a non-speaking order lost significance as the learned Single Judge has considered the alleged factual errors and come to conclusion that none of them warranted recalling the earlier orders.



14. We are of the opinion that although the Review Order has provided broad reasons in the form of conclusion and has not given detailed reasons in the Review Order, the Impugned Order has fulfilled that deficiency by examining all the grounds taken by the Appellant in the Review Applications and providing reasons for not entertaining the Review Applications.

15. Since the Impugned Order has addressed all grounds raised by the Appellant in the Review Applications, the basis for challenging the Impugned Order on the premise that the Review Order lacked reasoning is untenable.

16. It is observed that the Review Applications sought a re-evaluation of evidence by the NCDRC. The rationale provided in the Review Order for dismissing the Review Applications was adequate, considering the restricted scope of review permitted under the law. The settled law on this aspect holds that Review Applications cannot serve as appeals in disguise and it is not permissible to re-examine or re-hear the matter during review as an incorrect decision cannot be readdressed and rectified through the review process, which is confined to correcting errors apparent on the face of the record alone.

17. Upon careful consideration of both the Review Order as well as the Impugned Order, we find that neither the Review Applications nor the Writ Petitions presented adequate grounds for reconsideration of the Final Order passed by the NCDRC. The learned Single Judge has thoroughly assessed all arguments advanced by the Appellant seeking a review of the Final Order and determined them to be insufficient to warrant intervention. Therefore,



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the contention that the Review Order was a non-speaking order is not available to the Appellant.

18. Based on the above analysis, we agree with the conclusions reached by the learned Single Judge in the Impugned Order. Consequently, the present Appeals are dismissed, and the pending Applications are disposed of. There shall be no order as to costs.

**TEJAS KARIA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**APRIL 7, 2026**

*sms*