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

+ **CM(M) 37/2025**

NATIONAL INSURANCE COMPANY LIMITEDPetitioner

Through: Mr. Prateek Mishra, Ms. Eira Mishra,
Mr. Sumit Singh Bagri & Mr. Arun
Sidhant, Advs

versus

MS GULJIT CHAUDHARIRespondent

Through: Mr. Varun Sharma, Ms. Sheetal
Mishra & Mr. Abhinav Gupta, Advs

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

13.01.2025

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CM APPL. 1534/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 37/2025 & CM APPL. 1535/2025 (Stay)

1. The present petition under Article 227 of the Constitution of India has been filed seeking to set aside the impugned order dated 22.10.2024 passed in First Appeal No. 916/2023 by the National Consumer Disputes Redressal Commission [“NCDRC”].

2. The order dated 22.10.2024 passed by the NCDRC dismissed the appeal filed by the petitioner. The appeal challenged the decision of the State Commission which had awarded Rs 55,01,161/- to the respondent alongwith interest for mental harassment as also the litigation cost in relation to a fire incident at respondent’s property in Gurugram.



3. The NCDRC upheld the State Commission's decision, thereby rejecting the petitioner's appeal.
4. The key issue with this order is that it was passed by a single member bench consisting only of a technical member, which according to the petitioner violated Rule 12 of the Consumer Protection Regulations, 2005 which requires that where a bench does not have member with judicial background and any complex question of law arises and there is no precedent to decide the law point, the bench so constituted may refer the matter to the President of the State Commission or the National Commission as the case may be to constitute another bench of which the President shall be a member.
5. Learned counsel for the petitioner submits that the order was procedurally flawed due to improper bench composition.
6. At the very outset, learned counsel appearing for the respondent on advance notice submits that the respondent has no objection in case the impugned order is set aside and the matter is remitted back for being decided by the Bench having proper composition.
7. In view of the above, with the consent of the parties, the impugned order dated 22.10.2024 passed by NCDRC is set aside and the matter is remitted back with directions that the same be heard afresh by properly constituted bench involving at least two members and then be decided as per law.
8. However, it is made clear that this order has not been passed on merits but is a consent order and therefore, all rights and contentions of the parties are reserved.



9. In order to curtail delay, the NCDRC is requested to dispose off the matter as expeditiously as possible.

RAVINDER DUDEJA, J

JANUARY 13, 2025/sk