



2025:HHC:40420

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.8799 of 2024
Date of Decision: 27.11.2025

The New India Assurance Company Limited

.....Petitioner

Versus

Sh. Bhupinder Pal Mahajan

.....Respondent

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Jagdish Thakur, Advocate.

For the respondent: Mr. Suneet Goel, Senior Advocate with Mr. Vivek Negi, Advocate.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, which is New India Assurance Company Limited, is aggrieved of order dated 1.11.2023 (Annexure P-7), passed by the National Consumer Disputes Redressal Commission (in short the "*National Commission*") in Revision Petition No. 2369 of 2023, whereby afore Commission while accepting the petition filed by the respondent set aside order dated 24.7.2023, passed by the State Consumer Disputes Redressal Commission (in short "*State Commission*") in FA No. 71 of 2022, titled as Bhupinder Pal Mahajan v. The New India Assurance Co. Ltd.

2. In nutshell, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Jagdish Thakur, learned counsel appearing for the petitioner is that bare perusal of order laid challenge in the instant proceedings would show



that same was passed without issuing notice to the petitioner, which was respondent before the National Commission in an appeal filed by the respondent laying therein challenge to order passed by the State Commission.

3. Precisely, facts of the case as emerge from the pleadings adduced on record by the respective parties are that respondent namely Bhupinder Pal Mahajan, filed complaint under Section 12 of the Consumer Protection Act before the District Consumer Disputes Redressal Forum, Mandi, (in short "*District Forum*") which was dismissed vide order dated 19.11.2018.

4. Being aggrieved and dissatisfied with aforesaid order passed by the District Forum, respondent preferred appeal before the State Commission, but since there was delay in maintaining the appeal, application under Section 5 of the Limitation Act, also came to be filed. State Commission vide order dated 24.7.2023 (Annexure P-6), dismissed the appeal on the ground of limitation.

5. Respondent preferred Revision Petition No. 2369 of 2023 before the National Commission, which ultimately came to be allowed on 1.11.2023 (Annexure P-7). In the aforesaid background, petitioner has approached this court in the instant proceedings, praying therein to set aside afore order on the ground that same was passed without issuing any notice to the petitioner and opportunity of hearing.



6. While making this court peruse order laid challenge in the instant proceedings, Mr. Jagdish Thakur, Advocate, appearing for the petitioner, further pointed that order laid challenge in the instant proceedings has been passed without looking into the record because bare perusal of order dated 24.7.2023, laid challenge before the National Commission, clearly reveals that same was passed in the presence of counsel appearing for the respondent, but yet National Commission, proceeded to record that order laid challenge before it was passed in the presence of the learned counsel for the respondent.

7. Having carefully perused order dated 1.11.2023, laid challenge in the instant proceedings vis-à-vis other material adduced on record, this court is persuaded to accept the afore submission of learned counsel for the petitioner. Bare perusal of aforesaid order passed by the National Commission nowhere suggests that before allowing appeal preferred by the respondent, notice was ever issued to the petitioner, who was respondent before the National Commission. Similarly, finding recorded with regard to absence of counsel appearing for the respondent in the proceedings before State Commission is totally contrary to the record.

8. Consequently, in view of the above, this court finds merit in the present petition and accordingly, same is allowed and impugned order dated 1.1.2023 (Annexure P-7) is quashed and set-aside with direction to the National Commission to re-hear the revision petition



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and pass appropriate order by affording opportunity of hearing to the parties to the lis. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any.

November 27, 2025

(manjit)

**(Sandeep Sharma),
Judge**