



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.3106 of 2026

Mrs. Sonali Swain

.....

Petitioner

Represented by Adv. –

Mr. Mohit Agarwal

-versus-

State of Odisha and others

.....

***Opposite Parties/
Contemnors***

Smt. Sasmita Nayak, ASC

Mr. Anupam Dash, Dinesh
Kumar Patra, Suchitra Sahoo

(For O.P. No.3)

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
27.02.2026

Order No.

I.A. No.4105 of 2026

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Perused the report dated 26.02.2026 submitted by the Secretary, State Consumer Disputes Redressal Commission, Odisha, Cuttack.
 3. On perusal of such report at Flag-B, it appears that C.C. No.16 of 2023 was heard by a Bench of the State Consumer Disputes Redressal Commission, Odisha, Cuttack and the judgment was reserved on 19.07.2024. The report further reveals that on 10.02.2026, learned Commissioner has passed an order indicating therein that the record was misplaced. Accordingly, the case was listed under the heading “to be mentioned” for getting clarification



on certain points from the parties. The matter was again listed on 13.02.2026 under the heading “to be mentioned”. As per the report, the matter was finally heard and disposed of on 13.02.2026 and the copy of the order has been attached to the report dated 26.02.2026. On perusal of the impugned order dated 13.02.2026 passed in F.A. No.635/2023, it appears that no one was present when the appeal was heard and disposed of.

4. The Petitioner has filed the above noted Interlocutory Application with a prayer for amendment of the writ application.

5. By way of amendment, the Petitioner seeks to bring on record the subsequent development that had taken place during the pendency of the present writ petition. He also prayed for amendment of the prayer portion of the writ petition, specifically praying for quashing of the final order dated 13.02.2026 passed in F.A. No.635/2023.

6. Heard the learned counsel for the Petitioner as well as the learned counsel for the Opposite Party No.3-Insurance Company.

7. Upon careful consideration of the submission made by the learned counsel for the parties and on a close scrutiny of the Interlocutory Application, this Court is inclined to allow the I.A. Accordingly, the same is hereby allowed.

8. Consolidated writ petition filed in Court today is taken on record.

W.P.(C) No.3106 of 2026

9. Heard the learned counsel for the Petitioner as well as the Opposite Party No.3.



10. On perusal of the report dated 26.02.2026 of the Secretary, State Consumer Disputes Redressal Commission, Odisha, Cuttack, it appears that the First Appeal, which was heard and the judgment was reserved on 19.07.2024, was again taken up on 13.02.2026 for final hearing. The report does not reveal any explanation with regard to the delay in delivery of the judgment. Although the matter was heard on 19.07.2024 and the judgment was reserved, however the matter was kept pending for delivery of judgment for almost one and half years. Finally, the order was passed on 13.02.2026 indicating therein that the record has been misplaced. There is also no explanation as to whether the record was reconstituted or not. It further reveals that vide order dated 13.02.2026 the appeal was finally disposed of and the copy thereof has been attached to the report dated 26.02.2026.

11. On perusal of the order dated 13.02.2026 passed in F.A. No.635/2023, which is already on record, as the same has been annexed to the report dated 26.02.2026, this Court found that the appeal has been disposed of in the absence of both sides.

12. Having heard the learned counsels appearing for both the sides, on a careful examination of the factual background of the present case, further taking note of the report dated 26.02.2026 as well as the order dated 13.02.2026 annexed to the aforesaid report, this Court seriously deprecated the practice adopted by the State Consumer Disputes Redressal Commission, Odisha, Cuttack in the present matter. The conduct of the State Consumer Disputes Redressal Commission, Odisha, Cuttack in the present case reveals the lack of seriousness and casual approach in handling the appeal. Since the Commission is a quasi-judicial authority entrusted with statutory responsibilities, this Court expresses that they ought to be



more careful in the future.

13. Since it is apparent from order dated 13.02.2026 that the appeal was disposed of in the absence of the parties, which is evident from the record itself, no further hearing is required and no other record is required to be verified by this Court. Accordingly, this Court has no hesitation to set aside the order dated 13.02.2026 passed by the State Consumer Disputes Redressal Commission, Odisha, Cuttack in F.A. No.635 of 2023. Accordingly, the same is hereby set aside. Further, the matter is remanded back to the State Consumer Disputes Redressal Commission, Odisha, Cuttack to rehear the matter after providing opportunity of hearing to all concerned and make every endeavour to dispose of the appeal within a period of two months from the date of communication of a copy of this order. Since the parties are present before this Court, they shall appear before the State Consumer Disputes Redressal Commission, Odisha, Cuttack on 9th March, 2026 along with a copy of this order. In the event any of the parties is not being noticed, learned Commission shall, on their appearance, issue notice immediately to such parties.

14. With the aforesaid observation and direction, the writ petition stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis