$~77

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

% ***Date of Decision:05th November, 2024***

\+ CM(M) 3357/2024

KHUSHBOO ALIAS KHUSHBU RANA .....Petitioner

Through: Petitioner in person.

versus

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD. .....Respondent

Through: Mr. Navneet Kumar with Mr. Harsh Sharan, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T ***(oral)***

1. Present petition has been filed under Article 227 of the Constitution of India challenging the order dated 26.10.2023 and order dated 26.03.2024, passed by National Consumer Disputes Redressal Commission (in short "NCDRC").

2. The petitioner had filed a complaint before the concerned Consumer Dispute Redressal Forum of Delhi under Section 12 of Consumer Protection Act, 1986. It related to the theft of her car which was stolen during the period, it was lying insured.

3. Respondent/ICICI Lombard General Insurance Company Ltd. is the Insurance Company in question.

4. The order was passed by the learned District Forum in favour of the complainant on 18.06.2019 directing as under:-

> *"9. Thus, holding guilty for the same, we direct OP as under:*
>
> *i) To pay to the complainant an amount of Rs.9,19,604/- being IDV of car bearing Regn. No.DL-6C-P-8066 purchased by the deceased*

mother of the complainant.
ii) To pay to the complainant an amount of Rs.70,000/- as compensation for causing harassment and mental agony suffered by the complainant.
iii)To pay to the complainant an amount of Rs.10,000 as cost of litigation.

10. The above amount shall be paid by OP to the complainant within 30 days from the date of receiving copy of this order failing which OP shall be liable to pay interest on the entire awarded amount @ 10% per annum from the date of receiving copy of this order till the date of payment. If OP fails to comply with the order within 30 days from the date of receiving copy of this order, the complainant may approach this Forum u/s 25/27 of the Consumer Protection Act, 1986."

5. Said order was challenged by the respondent/Insurance Company before the State Commission, Delhi and the State Commission, Delhi dismissed the appeal with the modification that the amount awarded towards compensation as Rs.70,000/- was reduced to Rs.20,000/-, primarily on the ground that the complainant herself had sought compensation of Rs.20,000/-.

6. Respondent/Insurance Company challenged the abovesaid order by filing a revision petition and such revision petition was dismissed by NCDRC on 26.10.2023.

7. NCDRC came to the conclusion that there was no fundamental breach of any of the policy condition and while making reference to several judgments, it dismissed the revision petition but modified the impugned order by directing as under:-

"9. In view of the aforesaid discussion, the Revision Petition is dismissed and the Orders of the State Commission and District Forum partly allowed modifying the same that the Petitioner shall pay to the

Complainant/ Respondent an amount of Rs.9,19,604/- within a period of eight weeks, failing which it shall pay an interest @ of 9% per annum from the date of this Order."

8. According to the petitioner herein, though the revision petition had been dismissed, no reason had been cited by learned NCDRC about the modification of interest @ 9% per annum, instead of 10% per annum, and that too from the date of the order passed by NCDRC and also there was no reason given as to why the petitioner was not held entitled to any further compensation, she was forced to file a review petition.

9. However, such review petition has also been dismissed on 26.03.2024, while observing that all the grounds raised had already been considered at the time of passing of the previous order dated 26.10.2023.

10. Learned counsel for respondent-Insurance Company has also appeared.

11. Admittedly, there is reduction in the rate of interest from 10% to 9% per annum and also from the date when such interest was payable and in order to find answers and reasons behind such reduction and change in the date from which the interest was to be payable, the petitioner had filed a Review Petition but such review has been dismissed, merely, by observing that it was bereft of any merit and that there was no error apparent on record.

12. As noticed already, the Revision Petition was though dismissed but it is not clear as to on what premise, the rate of interest was modified.

13. According to the petitioner, there was some error apparent on record, else there would not have been any reason for reduction in the rate of interest besides other curtailment.

14. During course of the arguments, learned counsel for respondent also stated that he would have no objection if the matter is remitted back to learned

NCDRC to consider the Review Petition afresh.

15. It will be, therefore, appropriate if learned NCDRC is requested to reconsider the above said review application moved by the petitioner and dispose it of, in accordance with law, after giving due opportunity of hearing to both the sides. The parties are requested to appear before learned NCDRC on 22.11.2024.

16. The petition is, accordingly, disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

NOVEMBER 5, 2024/*sw*