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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 343/2024, CM APPL. 1554/2024 and CM APPL. 33157/2025**

HDFC ERGO GENERAL INSURANCE CO. LTDPetitioner

Through: Ms. Suman Bagga, Advocate.

versus

MS. ASHA TYAGI AND ANR.

.....Respondents

Through: Mr. Siddhant Jain, Mr. Keshav Roy,
Mr Manik Verma, Advocates for R-1.
Ms.Sandhya Mahato, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
20.01.2026

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1. The instant petition assails the order dated 31.10.2023 passed by the National Consumer Disputes Redressal Commission, whereby, the appeal preferred by the petitioner against the order dated 06.04.2023 passed by the State Consumer Disputes Redressal Commission (hereinafter '*State Commission* ') came to be dismissed.
2. *Vide* order dated 06.04.2023, the State Commission dismissed the petitioner's first appeal on the ground of limitation, holding that the petitioner had failed to satisfactorily explain the delay of 36 days in filing the appeal.
3. Learned counsel appearing on behalf of the petitioner submits that a



copy of the impugned order dated 05.12.2022, passed by the District Commission, was not supplied to the petitioner free of cost. It is further submitted that upon acquiring knowledge of the said order, the petitioner applied for a certified copy on 13.01.2022, which was made available on 17.01.2022. It is contended that reckoning limitation from 13.01.2022, the appeal filed on 24.02.2023 was within the prescribed period. Learned counsel submits that the delay occurred *bona fide* on account of the petitioner not having received any intimation from the engaged counsel and, therefore, the delay deserved to be condoned.

4. The aforesaid submissions are vehemently opposed by learned counsel appearing on behalf of the respondents, who submits that there are material inconsistencies between the submissions advanced by the learned counsel and the record. It is contended that the appeal filed before the State Commission was not accompanied by a certified copy of the impugned order and that only a photocopy was placed on record. Other discrepancies have also been highlighted.

5. I have heard learned counsel appearing for the parties and have perused the record.

6. The delay is of 36 days. It further emerges that the certified copy was applied for on 13.01.2022 and supplied on 17.01.2022. Though in law the petitioner is only entitled for exclusion of the period spent in obtaining certified copy, however, the petitioner submits that prior thereto, it had no knowledge about passing of the order.

7. Under these circumstances and looking at the period of delay, which does not seem to be inordinate, this Court is of the view that the same can be condoned in the interest of justice. However, the same shall be subject to the



imposition of costs upon the petitioner.

8. In view of the aforesaid circumstances, the instant petition stands allowed. The order passed by the State Commission and the National Consumer Dispute Redressal Committee are hereby set aside subject to payment of costs of Rs.1,00,000/- (Rupees One Lakh only) to the original complainant/ respondent within a period of thirty (30) days from today. The said payment shall be paid before the State Commission.

9. On depositing the cost as imposed hereinabove, let the appeal be restored to its original number and be decided on its own merits. Let the parties to appear before the State Commission on 23.02.2026.

10. It is also made clear that the prayer made in the pending applications is also disposed of with the observations that the applicants shall be entitled to make the same before the competent forum.

11. The amount deposited shall be in exclusion to the directions for the payment in the main order.

12. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 20, 2026

Nc/mj