



2026:DHC:1559



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 1226/2024 and CM APPL. 5152/2024**Date of Decision: **11.02.2026****PHONEPE INSURANCE BROKING SERVICES PVT. LTD. &
ANR.Petitioners**Through: **Mr. Ajit Warriar, Mr. Angad Kochhar
and Mr. Vedant Kashyap, Advocates.**

versus

NATIONAL COMMISSION FOR SCHEDULED CASTES & ORS.

.....Respondents

Through: **Mr. T. P. Singh, Sr. CGC for R-1.****CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The Petitioner no. 1 claims to be a registered Insurance Broker with Insurance Regulatory and Development Authority of India, and petitioner no. 2 is the Chief Executive Officer of petitioner no. 1. Respondent no. 1 is a National Commission For Schedule Castes (**hereinafter** 'The Commission'), constituted under Article 338 of the Constitution of India, 1950. Respondent no. 2 is the complainant before the Commission.

2. It is the case of the petitioners that on 01.01.2024, they received an e-mail from the Commission informing them of the proceedings and the schedule of hearing on 08.01.2024. The petitioners *vide* communication dated 03.01.2024, 05.01.2024 and 10.01.2024, sought a copy of the

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complaint and reasonable time to collate the relevant information.

3. It is the case of the petitioners that without paying any heed to the aforesaid request, the Commission *vide* e-mail dated 23.01.2024, sent the copy of the order dated 08.01.2024, whereby, the decision to issue an arrest warrant was taken to secure the appearance of petitioner no.2. The petitioners, therefore, have filed the instant petition for the following reliefs:

“a. issue a writ of Certiorari or any other appropriate writ, order, or direction in the nature thereof, quashing and setting aside the: (a) proceedings before the Respondent No.1 Commission bearing Case No. 89/NCSC/2023 and File No. ESDW/IP/Jharkhand/2023/149382, and (b) the Impugned Order dated 08.01.2024 forming part of the Minutes of Meeting held by the Respondent No. 1 Commission in the said proceedings and received by the Petitioners on 23.01.2024;
b. grant costs in favour of the Petitioners; and
c. issue any other appropriate writ, order or directions as the nature and circumstances of the present case may require.”

4. The matter was called out for hearing on 30.01.2024, and the Court has passed the following directions:

“W.P.(C) 1226/2024 & CM APPL. 5152/2024

- 1. The Petitioner has approached this Court challenging the Order dated 08.01.2024 issued by Respondent No.1/NCSC issuing arrest warrant against the Chief Executive Officer (CEO) of the Petitioner on the ground that the CEO did not appear on 08.01.2024 before Respondent No.1/NCSC.*
- 2. Material on record indicates that the Petitioner had sent letters to the Respondent No.1/NCSC vide emails on 03.01.2024 and 05.01.2024 requesting for postponement of hearing for 08.01.2024 and without considering the requests of the Petitioner, the Impugned Order dated 08.01.2024 has been passed by Respondent No.1/NCSC.*
- 3. Learned Senior Counsel appearing for the Petitioner states that the issue which is under consideration does not fall within the jurisdiction of Respondent No.1/NCSC because the dispute raised by Respondent No.2 is a pure insurance dispute and that there is no allegation that Respondent No.2 has been discriminated on the basis of his caste.*
- 4. Issue notice.*
- 5. Mr. T. P. Singh, Sr. Central Govt. Counsel, accepts notice on behalf of Respondent No.1.*
- 6. On payment of process fee, let notice be issued to Respondent Nos.2 and 3 through all permissible modes, including Dasti.*

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7. Till the next date of hearing, the arrest warrant and further proceedings before the Respondent No.1/NCSC shall remain stayed.
8. List on 23.02.2024.”

5. The petitioners have made various submissions, *inter alia*, that the Commission lacks inherent jurisdiction to entertain the complaint, the relevant documents were not furnished to the petitioners and the subject matter of the complaint had no relation with the underlying objective under Article 338 of the Constitution. To substantiate the aforesaid contention, various decisions in ***Era Rani Shubh and Anr. Vs. State Bank of India and Anr.***, ¹***Professor Ramesh Chandra Vs. University of Delhi and Anr***² ***Fresenius Kabi Oncology Ltd. Vs. National Commission for Scheduled Castes and Ors*** ³, and ***Mahyco Private Limited Vs. National Commission for Scheduled Tribes & Anr***⁴, have been relied upon.

6. The contentions are strongly opposed by learned counsel who appears for respondents. It is submitted on behalf of the Commission that on failure of the petitioners to cooperate with the enquiry, it was constrained to pass the impugned directions. Learned counsel for the respondent have relied upon the decision in ***All India Overseas Bank SC and ST Employees Welfare Association and Others v. Union of India and Others.***⁵

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

8. The Supreme Court in the case of ***All India Overseas*** recognises that the Commission enjoys all procedures and powers of a Civil Court for the

¹ 2018 SCC OnLine Del 11247

² ILR (2007) II Delhi 593

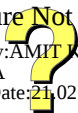
³ Order dated 11.02.2020 in WP(C) No. 12490/2018

⁴ W.P. (C) 15417/2014

⁵ (1996) 6 SCC 60

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purpose of investigating and inquiring into the matters falling within jurisdiction of the Commission. The said power, however, will have to be exercised depending upon the facts and circumstances of each case.

9. Without adjudicating on the aspect whether the Commission lacks the inherent jurisdiction to entertain the said complaint, the Court finds that directions for securing the presence of the petitioners by way of arrest warrant under the facts of the present case were not required. When the petitioners made the request to the Commission seeking necessary details of the complaint in order to enable them to file the proper reply, the same should have been appropriately considered. There does not seem to be any consideration on that aspect in the impugned order.

10. At this stage, it is pertinent to take note of the decision of the Supreme Court in *The State of Uttar Pradesh & Ors. vs. Manoj Kumar Sharma*.⁶ The relevant paragraphs of the aforementioned decision are extracted :

17. A practice has developed in certain High Courts to call officers at the drop of a hat and to exert direct or indirect pressure. The line of separation of powers between Judiciary and Executive is sought to be crossed by summoning the officers and in a way pressurizing them to pass an order as per the whims and fancies of the Court.

18. The public officers of the Executive are also performing their duties as the third limbs of the governance. The actions or decisions by the officers are not to benefit them, but as a custodian of public funds and in the interest of administration, some decisions are bound to be taken. It is always open to the High Court to set aside the decision which does not meet the test of judicial review but summoning of officers frequently is not appreciable at all. The same is liable to be condemned in the strongest words.

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20. Thus, we feel, it is time to reiterate that public officers should not be called to court unnecessarily. The dignity and majesty of the Court is not enhanced when an officer is called to court. Respect to the court has to be commanded and not demanded and the same is not enhanced

⁶ SLP 7487/2020





by calling public officers. The presence of public officer comes at the cost of other official engagement demanding their attention. Sometimes, the officers even have to travel long distance. Therefore, summoning of the officer is against the public interest as many important tasks entrusted to him gets delayed, creating extra burden on the officer or delaying the decisions awaiting his opinion. The Court proceedings also take time, as there is no mechanism of fixed time hearing in Courts as of now. The Courts have the power of pen which is more effective than the presence of an officer in Court. If any particular issue arises for consideration before the Court and the Advocate representing the State is not able to answer, it is advised to write such doubt in the order and give time to the State or its officers to respond.

11. Though the directions of the Supreme Court are applicable *qua* public officers, however, the underlining principle can be made applicable to personal appearance of other organizations as well. Unless the personal appearance is the only available recourse, the same should not be resorted to. Insistence for the personal appearance ought not to be made routinely, particularly, where the concerned party has evinced a *bona fide* intention to cooperate with the proceedings and comply with the directions issued. Resort to coercive measures, in the absence of deliberate non-compliance, would be unwarranted and is not in consonance with the settled principles governing the exercise of such power.

12. In view of the aforesaid, it is seen that the petitioners' are willing to fully cooperate with the Commission in taking the complaint to its logical end. Under these circumstances, the aforementioned undertaking is taken on record. Let them fully cooperate with the Commission.

13. Let the complaint along with all documents against the petitioners be furnished to them within a period of four weeks from today. On receipt of the said complaint and document, the petitioners shall be at liberty to file the reply within four weeks thereafter. The petitioners shall be at liberty to



2026:DHC:1559



authorise their representative to present their case before the Commission

14. All rights and contentions are left open, including the submissions of the petitioners regarding maintainability of the complaint before the Commission.

15. The petition stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 11, 2026
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