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

% ***Date of Decision: October 27th, 2026***

\# **CNR No. DLHC010368142026**

\+ **W.P.(C) 11431/2026**

NIVA BUPA HEALTH INSURANCE CO. LTD.
FORMERLY MAX BUPA HEALTH INS CO LTD
.....Petitioner

Through: Ms. Suman Bagga & Ms. Mouli Sharma, Advs.

versus

VINOD BHOLA .....Respondent

Through: Mr. Prashant Vaxish, Adv. (through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

CM APPL. 73864/2026 *(for early hearing)* in W.P.(C) 11431/2026

1. The present application has been filed seeking early hearing of the stay application.

2. For the reasons mentioned in the application, the same is allowed.

3. With the consent of the parties, the matter is taken up for final hearing today.

4. The application stands disposed of.

5. The date already fixed, that is, 20.01.2027 stands cancelled.

W.P.(C) 11431/2026 & CM APPL. 52949/2026

6. The present petition is filed under Article 226 of the Constitution

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of India assailing order dated 02.07.2026 passed by the learned National Consumer Disputes Redressal Commission ('**NCDRC**') in F.A. No. 333/2026.

7. It is the case of the petitioner that the impugned order has been passed by a Bench of the National Consumer Disputes Redressal Commission (**'NCDRC**') comprising only one member and is, therefore, without jurisdiction, as the appeal was required to be heard and decided by a Bench comprising two or more members.

8. The learned counsel appearing for the respondent has also conceded that the impugned order ought to have been passed by a Bench comprising two or more members.

9. The impugned order was passed in a First Appeal preferred by the petitioner under Section 19 of the Consumer Protection Act, 1986. The constitution and functioning of Benches of the National Commission are governed by Section 20(1-A) of the said Act, which reads as under:

> *"[(1-A)(i) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof.*
>
> *(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.*
>
> *(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.]"*

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10. A plain reading of the aforesaid provision indicates that Section 20(1-A)(ii) of the Consumer Protection Act, 1986 permits the President to constitute a Bench comprising one or more members. However, sub-clause (iii), which provides for the resolution of differences of opinion amongst members of a Bench, contemplates a situation in which a majority opinion may be required to decide the points of difference. The latter provision, therefore, envisages a Bench comprising at least two members for the purpose of determining any difference of opinion. Reliance in this regard is placed upon the recent decision of the Hon'ble Bombay High Court in ***Ankita Developers v. Pramod Ghate*** **: 2026 SCC OnLine Bom 10503**, where under similar circumstances it was held as under:

> *"1. Heard the learned counsel for the parties.*
>
> *2. The challenge in this petition is to an order dated 20-6-2024 passed by the learned Presiding Member, National Consumer Disputes Redressal Committee, New Delhi, in Revision Petition No. 2461/2019, whereby the revision petition preferred by the respondent - original complainant against an order dated 30-7-2019 passed by the State Commission in Appeal No. 184/2014, arising out of an order dated 28-1-2014 passed by the District Commission in Complaint No. 92/2008, came to be allowed by modifying the order passed by the State Commission.*
>
> *3. By the impugned order, the petitioner - respondent in the revision petition - promoter has been directed to provide an identical bungalow to the respondent - complainant in the same vicinity or in a similar locality.*
>
> ***4. The principal ground of challenge is that a learned Single Member of the National Commission could not have passed the final order in Revision Petition No. 2461/2019.***
>
> ***5. In the backdrop of the nature of the challenge, and the order of the Supreme Court in the case of State of Rajasthan v. Kamal Travels Kokks International1, which has affirmed a judgment of***

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a learned Single Judge of the Rajasthan High Court in the case of Kamal Travels Kokks International, through Prop., Pramod Varyani v. State of Rajasthan through the Secretary, Food, Civil Supplies and Consumer Affairs Department2 that a Single Member Bench, would constitute a coram non-judice, without delving into the merits of the matter and with the consent of the learned counsel for the respondent, the petition stands allowed and the impugned order stands quashed and set aside.

6. Revision Petition No. 2461/2019 stands restored to the file of the National Consumer Disputes Redressal Commission, New Delhi, for a fresh hearing and disposal in accordance with law. The parties shall appear before the National Commission on 17-8-2026.

7. The National Commission is requested to decide the Revision Petition as expeditiously as possible.

8. It is clarified that this Court has not entered into the merits of the matter and all contentions of all the parties are expressly kept open.

9. The petition stands disposed."

(emphasis supplied)

11. Thus, it is clear that a final adjudication of a dispute can only be done by a Bench comprising of two or more members.

12. In view of the aforesaid, the impugned final order, having been passed by a single-member Bench, cannot be sustained.

13. Accordingly, the impugned order is set aside, and the matter is remanded to the NCDRC for fresh consideration in accordance with law.

14. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 27, 2026
"SS"

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