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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 503/2025 & CM APPL. 11744/2026**

Date of Decision: **19.02.2026**

IN THE MATTER OF:

SMT SITA DEVI

.....Petitioner

Through: Mr. V.P. Sharma, Advocate.

versus

PUNJAB NATIONAL BANK AND ANR

.....Respondents

Through: Dr. S S Hooda, Mr. Shaurya Banshtu,
Mr. Manpreet Singh, Advocates for
PNB.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside the order of the National Consumer Disputes Redressal Commission (National Commission) dated 02.08.2017, whereby, the revision petition filed by the respondent was partly allowed. The petitioner has challenged the impugned order on the following two grounds:

- (i) The National Commission has exceeded in its revisional jurisdiction by interfering with the findings of facts rendered by the Commissions below. (Excess of jurisdiction)
- (ii) The impugned order having been passed by a single-member

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Bench suffers from inadequate quorum and, therefore, is vitiated. (*Coram non-judice*)

Coram non-judice

2. A perusal of the relevant provisions of the Consumer Protection Act, 2019 (CPA, 2019) and the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 (Regulations, 2020) indicate that as per the statutory scheme, the proceedings of the National Commission may be conducted by Benches comprising of a single-member, who is a judicial member. What follows is that, single-member Benches comprising of a judicial member may hear appeals and pass orders.

3. The provision under Section 59 of the CPA, 2019 provides that the provisions under Section 36 thereof which concerns proceedings before the District Consumer Disputes Redressal Commission, would be applicable to the National Commission. Sections 59 and 36 of the CPA, 2019 are extracted below, for reference:

“59. (1) The provisions relating to complaints under sections 35, 36, 37, 38 and 39 shall, with such modifications as may be considered necessary, be applicable to the disposal of complaints by the National Commission. (2) Without prejudice to sub-section (1), the National Commission may also declare any terms of contract, which is unfair to any consumer to be null and void.”

“36. Proceedings before District Commission.—(1) Every proceeding before the District Commission shall be conducted by the President of that Commission and atleast one member thereof, sitting together:

Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.

(2) On receipt of a complaint made under section 35, the District Commission may, by order, admit the complaint for being proceeded with or reject the same: Provided that a complaint shall not be rejected under this section unless an opportunity of being heard has been given to the complainant: Provided further that the admissibility of the complaint shall

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ordinarily be decided within twenty-one days from the date on which the complaint was filed.

(3) Where the District Commission does not decide the issue of admissibility of the complaint within the period so specified, it shall be deemed to have been admitted.”

4. A bare reading of sub-section (1) of Section 36 would indicate that proceedings before the National Commission have to be conducted by the President and atleast one member sitting together. However, under Section 58(2) of the CPA, 2019, an express provision is made for exercise of the jurisdiction, powers and authority of the National Commission by Benches constituted by the President with one or more members. The said provision is extracted below, for reference:

“58. (2) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof and a Bench may be constituted by the President with one or more members as he may deem fit:

Provided that the senior-most member of the Bench shall preside over the Bench.”

5. Furthermore, under Section 64 of the CPA, 2019, no proceedings before the National Commission would be invalid by reason only of any defect in its composition. The said provision is extracted below, for reference:

“64. Vacancies or defects in appointment not to invalidate orders.—No act or proceeding of the District Commission, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.”

6. Regulation 12 of the Regulations, 2020 provides that if the Bench constituted by the President does not have a member with judicial background, and any complex question of law arises and there is no precedent to decide the same, the matter may be referred to the President for constitution of another bench of which the President shall be a member. The said provision is extracted below, for reference:

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“12. Hearing by Benches.-Where a Bench, constituted by the President of the State Commission or the National Commission as provided under sub-section (2) of Section 47 or sub-section (2) of Section 58, as the case may be, does not have a member with judicial background and any complex question of law arises and there is no precedent to decide the law point, the Bench so constituted may refer the matter to the President of the State Commission or the National Commission, as the case may be, to constitute another Bench of which the President shall be a member.”

7. A similar statutory scheme existed under the erstwhile Consumer Protection Act, 1986 (CPA, 1986) and the Consumer Protection Rules, 1987 (Rules, 1987). Under Section 22 of the CPA, 1986, the provisions contained in Section 14 thereof, with respect to proceedings before the District Commission was applicable even to proceedings before the National Commission. Sections 22 and 14(2) of the CPA, 1986 are extracted below, for reference:

“22. Power of and procedure applicable to the National Commission.- (1) The provisions of sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be considered necessary by the Commission, be applicable to the disposal of disputes by the National Commission. (2) Without prejudice to the provisions contained in sub-section (1), the National Commission shall have the power to review any order made by it, when there is an error apparent on the face of record.”

*“14. (2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:
Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.”*

8. Under Section 20 (1A) of the CPA, 1986, the jurisdiction, powers, and authority of the National Commission could be exercised by Benches

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constituted by the President with one or more members. The said provision is extracted below, for reference:

“20. (1A) (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 or 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.”

9. Section 29A of the CPA, 1986 is analogous to Section 64 of the CPA, 2019. Section 29A of the CPA, 1986 is extracted below, for reference:

“29A. Vacancies or defects in appointment not to invalidate orders.—No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.”

10. Rule 15A of the Rules, 1987 expressly provides for constitution of Benches by the President with one or more members as he may deem fit. The said rule is extracted below for reference:

“15A. Sitting of the National Commission and signing of orders. -
(1) Every proceeding of the National Commission shall be conducted by the President or the senior most member authorised and at least two members thereof sitting together except when a bench is constituted by the President of the National Commission with one or more members as he may deem fit.

Provided that where the member or members for any reason are unable to conduct the proceeding till it is completed, the President or the senior most member, as provided in section 22D of the Act, shall conduct such proceedings from the state at which it was last heard by the previous member.

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(2) Every order made by the National Commission shall be signed by the President or the senior most member as provided in section 22D and at least two members who conducted the proceeding and if there is any difference of opinion among themselves, the opinion of majority shall be the order of the National Commission:

Provided that where the proceeding is conducted by the President or the senior most member as provided in section 22D and three members thereof and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and such point or points shall be decided accordingly to the opinion of the majority of the National Commission."

11. Mr. V.P. Sharma, learned counsel for the petitioner, places reliance on the decisions of the High Court of Rajasthan in ***Kamal Travels Kokks International v. State of Rajasthan***,¹ ***State of Rajasthan v. Kamal Travels Kokks International***,² ***Kamal Travels Kokks International v. State of Rajasthan***,³ which have been affirmed by the Supreme Court in SLP No. 4969/2020, ***Iffco-Mc Crop Science Pvt. Ltd. v. Shankar Lal and Ors***,⁴ and an order of this Court in ***Navin M Raheja v. Minakshi Choudhary***,⁵ to support his submission that proceedings before the National Commission necessarily ought to be conducted by atleast two members.

12. The reliance placed by the petitioner on the decision of the High Court of Rajasthan in ***Kamal Travels Kokks International v. State of Rajasthan***, ***State of Rajasthan v. Kamal Travels Kokks International***, ***Kamal Travels Kokks International v. State of Rajasthan*** is misplaced since, in the said decisions, the Court was examining propriety of decisions passed by Benches comprising of a single-technical member, whereas, in the

¹ 2018 SCC OnLine Raj 3747

² 2019 SCC OnLine Raj 8125

³ Judgement dated S.B. Civil Writ Petition No. 18/2012

⁴ 2025:RJ-JD:6018

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instant case, the impugned order has been passed by a Bench comprising of the President of the National Commission who is a judicial member. Therefore, the said decisions are not applicable in the present case.

13. It is noted that against the decision in *State of Rajasthan v. Kamal Travels Kokks International*, a Special Leave Petition was filed in the Supreme Court, and the same was dismissed *in limine* vide order dated 30.09.2021. Therefore, the doctrine of merger does not apply, and the order of the High Court cannot be said to have merged with the order of the Supreme Court. Reference, in this regard, can be made to the decision of the Supreme Court in the case of *Kunhayammed v. State of Kerala*.⁶

14. The High Court of Rajasthan, in *Iffco-Mc Crop Science Pvt. Ltd.* relied on the decision of a Division Bench of the same Court in *Divisional Manager N.I.C. Ltd., Jodhpur vs. Rajasthan State Consumer Disputes Redressal Commission & Ors*,⁷ and has held that orders passed by single-member Benches of the National Commission would be without jurisdiction. The relevant portion of the decision in *Iffco-Mc Crop Science Pvt. Ltd.* is extracted below, for reference:

"7. A bare reading of Section 58(2) of the Act of 2019 reflects that the jurisdiction, power and the authority of NCDRC shall be exercised by a Bench to be constituted by the President with one or more members. Further, the proviso to the said section provides that the senior most member of the Bench shall preside over the Bench.

8. While dealing with a similar provision pertaining to the State Commission, a Co-ordinate Bench of this Court in Divisional Manager's case (supra) observed as under:

"11. Hence, this Court has no hesitation in holding that a Bench of the State Consumer Commission cannot be constituted by a single member and that the same must be comprised of the President and at least one

⁵ Order dated 11.02.2025 in WP (C) 1682/2025

⁶ (2000) 6 SCC 359

⁷ 2018 SCC OnLine Raj 2648

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member thereof. In reference to Section 2(jj) of the Act, it is clarified that the word "President" as appearing in the Act, shall always be referred as including a member except where, the jurisdiction of constituting the Bench is to be exercised. The said power is with the President who being the "head of the institution" has the exclusive [2025:RJ-JD:6018] (10 of 11) [CW-20069/2024] administrative power to decide the composition of the bench."

9. In *Divisional Manager's case (supra)*, the Court concluded that for lawful decision of the case, Bench/Benches of the Commission must be constituted with atleast two members of the Commission, one of whom may be the President.

10. It is not disputed on record that Section 58 (2) of the Act of 2019 is akin to the provision of Section 47 (2) of the Act which deals with the jurisdiction of the State Commission. The ratio laid down in *Divisional Manager's case (supra)* therefore, would definitely apply to the present matters too.

11. In view of the ratio laid down in *Divisional Manager's case (supra)*, order dated 26.03.2024 (Annx.1) been passed without jurisdiction is hereby quashed and set aside. The matters are remanded back to the NCDRC for decision afresh through appropriately constituted Bench/Benches."

15. In *Divisional Manager National Insurance Company*, the Court has held that Benches of the State Commission must necessarily comprise of the President along with one or more members. However, this Court is in respectful disagreement with the decisions in *Divisional Manager National Insurance Company* and *Iffco-Mc Crop Science Pvt. Ltd.* The statutory scheme under the CPA, 2019, more specifically Section 58(2) thereof, clearly provides for the constitution of single-member Benches in the National Commission. In any case, as per Section 64 of the CPA, 2019, orders of the National Commission are not vitiated by reason solely of any defect in its composition.

16. The view taken by this Court finds support in the decision of the High Court of Andhra Pradesh in *Toyota Kirloskar Motor Pvt. Ltd. v. L. Suni*

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Reddy and Ors.⁸ The relevant portion of the said decision is extracted below, for reference:

“26. The Section 29A amendment came into force with effect from 15.06.1991 under the Old Act, whereas the above said New Act came into force on 09.08.2019. The order of the National Commission assailed under this revision is dated 16.02.2024. In view of Section 58 (ii) and Section 64 of the New Act (35 of 2019), the issue of coram non judice principle does not arise under the above said express provisions of law. In other words, the President of the National Commission can constitute a Bench with one or more members as he/she may deem fit and accordingly assign the work by categorizing the cases filed before the National Commission. Basing upon the pecuniary value of the cases also such categorization can be made to be heard by the Benches concerned with one or more members of the National Commission, as per the arrangement made by the President for the said purpose exercising his/her statutory powers.

In Tiki Tar Industries (now known as Tiki Tar Industries (Baroda) Ltd.) v. National Insurance Company Ltd. and in SR. Divisional Manager, The New India Assurance Company Ltd. v. Panchsheel Organics Ltd. cases, the above said provisions of law were not brought before the Hon'ble Apex Court for its consideration and in Divisional Manager N.I.C. Ltd., Jodhpur v. Rajasthan State Consumer Disputes Redressal Commission case also, the above said provisions of law did not fall for consideration. Hence this Court is not persuaded with the submission of the learned senior counsel for the petitioner that there is a defective composition of the Bench in the NCDRC, New Delhi and the matter be remanded for fresh consideration by it with full fledged Coram comprising judicial and non judicial members. Accordingly, it is negatived.”

17. Even the High Court of Allahabad, in its decision in **Ansal Properties and Infrastructure Ltd. v. State Consumer Dispute Redressal Commission**,⁹ has taken a view similar to that of this Court. Although the said decision relates to State Commissions under the CPA, 1986, considering that the provisions relating to the National Commission are similar, the reasoning adopted by the Court would be applicable for National Commission as well.

⁸ 2025 SCC OnLine AP 3283

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18. Insofar as the reliance placed on the order passed by this Court in **Navin M Raheja** is concerned, it is seen that this Court has only rendered a *prima facie* opinion therein, and has not passed any final decision. Therefore, the same may not be of much help to the petitioner.

19. Another aspect that requires to be noted is that in the instant case, the impugned order dated 02.08.2017 has been passed by a Bench comprising of the President of the National Commission, who is a judicial member. As per Regulation 12 of the Regulations, 2020, a judicial member, more so, the President, is fully empowered to decide cases involving complex questions of law. As such, there cannot be said to have been any defect in the composition of the Bench which has passed the impugned order.

Excess of jurisdiction.

20. So far as the submission with respect to exceeding of the jurisdiction by the National Commission is concerned, the same deserves to be considered in the context of the decision of the Supreme Court in the case of **Sunil Kumar Maity v. State Bank of India & Anr.**¹⁰ The Supreme Court in the said decision has held that revisional jurisdiction of the National Commission is extremely limited and does not permit re-appreciation of the evidence. It could be exercised only if the order of the State Commission suffers from inherent lack of jurisdiction or suffers from material irregularity. The relevant portion of the said decision is extracted as under:

“It is needless to say that the revisional jurisdiction of the National Commission under Section 21(b) of the said Act is extremely limited. It should be exercised only in case as contemplated within the parameters specified in the said provision, namely when it appears to the National Commission that the State Commission had exercised a

⁹ 2017 SCC OnLine All 2932

¹⁰ 2022 INSC 84

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jurisdiction not vested in it by law, or had failed to exercise jurisdiction so vested, or had acted in the exercise of its jurisdiction illegally or with material irregularity.”

21. In the present case, the petitioner had filed a complaint against the respondent alleging non-payment of interest on the arrears of pension of her husband and also on his fixed deposits with the respondent-bank. The complaint had been allowed by the District Commission and the State Commission has affirmed the said decision. The National Commission in the impugned order, has reduced the interest awarded to the petitioner upon considering a circular specifying the rate of interest on fixed deposits. The National Commission has also rendered new findings that the husband of the petitioner had not renewed the fixed deposits and without his instructions, the same could not have been renewed. The National Commission, therefore, has interfered with the findings of fact rendered by District and the State Commissions. There does not seem to be any material irregularity in the orders passed by the District as well as the State Commissions warranting such interference.

22. In view thereof, the impugned order stands set aside. Accordingly, the petition stands allowed and pending applications, if any, stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

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