

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION AT NEW DELHI**

**RESERVED ON : 08.05.2025
PRONOUNCED ON : 23.06.2025**

REVISION PETITION NO.2966 OF 2016

(Against the order dated 11.07.2016 in Appeal No.141/2015
Of the State Consumer Disputes Redressal Commission, Haryana)

WITH

IA/10719/2016 (For Stay) IA/10720/2016 (For Exemption)
IA/3115/2016 (For Additional Document)

1. Cholamandalam MS General Insurance Co. Ltd.
Regd. Office: - 'Dare House', 2nd Floor, No.2,
NSC Bose Road, Chennai-600 001
2. Cholamandalam MS General Insurance Co. Ltd.
Branch office: -Plot No.6, Pusa Road, Karol
Bagh, New Delhi-110005
3. Cholamandalam MS General Insurance Co. Ltd,
Branch office Rohtak, Haryana
Through constituent attorney

... Petitioners

Versus

Rajesh Kumar son of Sh. Gulab Singh,
R/o H. No. 952, Ward No. 9,
Main Azad-Garh Road, Rohtak, Haryana.

... Respondent

BEFORE:

**HON'BLE AVM J RAJENDRA AVSM VSM (RETD.), PRESIDING MEMBER
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN, MEMBER**

For the Petitioners : Mr. N.K Chauhan Advocate (VC)

For the Respondents : NEMO

JUDGMENT

AVM J RAJENDRA AVSM VSM (RETD.), PRESIDING MEMBER

1. This Revision Petition has been filed under Section 21(b) of the Consumer Protection Act, 1986 ("the Act") against the State Consumer Disputes Redressal Commission, Haryana ('State Commission') order dated 11.07.2016 in FA No.141 of 2014 dismissing the Appeal filed by OP against the District Consumer Disputes Redressal Forum, Rohtak ('District Forum') order dated 24.11.2014 allowing the Complaint.

2. For convenience, the parties are referred to as stated in the original complaint filed before the District Forum.

3. Brief facts of the case, as per the Complainant, are that the Complainant purchased a new Hyundai Verna car Registration No. HR-12L-2610 Engine No. 645719 and Chassis No 50176 for which he obtained insurance cover vide policy No.MPC-00172324-000-00 valid from 18.06.2008 to 17.06.2009. On 01.10.2008 the said vehicle was stolen and Complainant reported on phone No. 100 to Police Control Room at 8:35 PM on the same day and, thereafter, registered FIR No.740/2008 dated 04.10.2008 at District Rohtak, Haryana and OP was also intimated. The Complainant filed a claim with OP for the loss and the same was repudiated on the ground of delayed intimation to the insurance company vide letter dated 15.01.2009. The Complainant caused issue of a legal notice to OP dated 26.11.2009. In reply, OP had forwarded the repudiation letter dated 14.12.2009. Aggrieved by the repudiation, the Complainant filed a Consumer Complaint before District Forum seeking Rs.7,81,850 with interest @ 18% per annum from the date of the theft dated 01.10.2008 and Rs.11,000 towards litigation and Rs.20,000 as compensation.

4. On being issued notice, the OPs filed written version and categorically denied the complainant's assertion that immediate notification was provided to the police and the answering party

regarding the alleged theft case. The OPs contended that the complainant failed to report the purported theft of the vehicle to the insurance company until 15.01.2009, which was more than three months subsequent to the occurrence of the incident. The OPs contended that the complainant's claim has been justifiably rejected by the opposite parties in strict accordance with the terms and conditions stipulated in the insurance policy. Furthermore, the OPs contended that there exists no deficiency in service on the part of the opposite parties, and their actions were within the parameters of their contractual obligations and industry standards.

5. The learned District Forum vide Order dated 24.11.2014 allowed the complaint and relevant portion is as under:-

“ORDER

1. In view of the aforesaid law which are applicable on the facts and circumstances of the case, opposite parties are directed to pay the insured value of vehicle i.e. Rs.781850/- (Rupees. Seven lac eighty one thousand eight hundred fifty only) along with interest @9% p.a. from the date of filing the present complaint i.e.10.05.2010 till realization and shall also pay a sum of Rs.2200/-(Rupees two thousand two hundred only) as litigation expenses to the complainant maximum within one month from the date of completion of formalities by the complainant e.g. transfer of R.C. & Subrogation letter etc. to the opposite parties failing which the awarded amount of Rs.781850/- shall fetch interest @ 12% p.a. from the date of decision. Complaint is disposed of accordingly.

6. Being aggrieved by the District Forum order, the Petitioner/OP-Insurer filed FA No.141/2015, and the State Commission vide order dated 11.07.2016 dismissed the Appeal with following observations:

- 5. We have heard the learned counsel for the parties and have also gone through the record. It is evident by overwhelming and convincing documentary evidence that the vehicle was purchased for Rs.8,19,648/- and was got insured for a period of one year w.e.f 18.06.2008 to 17.06.2009. It was during this period of the validity of the Policy that the vehicle was stolen on 01.10.2008. The complainant immediately informed the local police No. 100 about the theft and the Police lodged the FIR within four days i.e. 04.10.2008 after making the search of the vehicle. The OPs, therefore, wrongly repudiated the claim on the ground of delay on 15.01.2009. Hence, there was complete deficiency in service on the part of the OPs as held in number of decisions of the Hon'ble High Court of Punjab & Haryana. One such case is National Insurance Company Limited, Gurgaon Versus Ravi Dutt Sharma and another (Civil Writ Petition No.9716 of 2011), decided on 30.05.2011, in which it was held that when the information was given by the complainant about the theft to the police on the same day, there was no further requirement to inform the insurance company simultaneously. The mere fact that the information given to the Insurance Company was after three months, was no ground to repudiate the claim.**
- 6. The learned District Forum has, therefore, rightly followed the law laid down by the Hon'ble High Court while accepting the complaint for granting the aforesaid relief. Consequently, we do not find any merit in the appeal and the same is dismissed with no order as to costs.**
- 7. The statutory amount of Rs.25,000/- deposited at the time of filing the appeal be refunded to the appellants against proper receipt and identification in accordance with rules, after the expiry of period of appeal/revision, if any.**

7. Being dissatisfied by the impugned Order dated 11.07.2016 passed by the State Commission; the Petitioner/OP filed the instant Revision Petition bearing No.2966 of 2016.

8. The learned counsel for Petitioner/OP argued that there was clear violation of the terms and conditions of the policy by the

Complainant. The policy explicitly states that the claim for theft of the vehicle is not payable if theft is not reported to the police and Insurer within a reasonable time of the theft occurred on 01.10.2008. However, the Petitioner/OP was informed about the incident with the delay of 107 days and the police with the delay of 03 days. As a result, repudiation of the claim by Petitioner/OP is justified. He sought to set aside the impugned orders passed by the Fora below. He has relied upon the following judgments:

A. Narinder Singh Vs. New India Assurance Co. Ltd, (2014) 9 SCC 324;

B. United India Insurance Co. Limited Vs. Sushil Kumar Godara (2021) 14 SCC 519,;

C. Oriental Insurance Company Ltd. Vs. Parvesh Chander Chadha in C.A. No. 6739 of 2010;

D. New India Assurance Co. Ltd., Vs. Trilochan Jane (IV (2012) CPJ 441 (NC);

E. New India Assurance Co. Ltd. vs. Ram Avtar reported in I (2014) CPJ 29 (NC) ;

F. Oriental Insurance Company Vs. Sony Cheriya (AIR 1999 SC 3252);

G. Suraj Mal Ram Niwas Oil Mills (P) Ltd. v/s United India Insurance Co. Ltd. [IV (2010) CPJ 38 (SC);

H. United India Insurance Vs. M/s Harchand Rai Chandan Lal, JT 2004(8) SC 8;

I. B.L. Agarwal Vs. National Insurance Co. Ltd. in 1992 vol. III CPJ Page 71;

9. The Respondent/Complainant was placed ex-parte vide order dated 08.05.2025.

10. We have examined the pleadings and associated documents placed on record and rendered thoughtful consideration to the arguments advanced by the learned Counsel for the Petitioners.

11. The main issue in the case is whether there was delay in notifying the loss of the vehicle to the OP insurer? Whether such delay, if any, entails the repudiation of the claim?

12. In this regard, admittedly, there is no delay in informing about the incident to the police as the complainant on 01.10.2008 at 8:35 PM had made a call to the police and informed about the incident. However, the Petitioner/OP contended the complainant informed about the incident with delay of 107 days. On the other hand, the Complainant, in his Affidavit filed before the District Forum, stated that there was no delay in intimating to the Insurance Company and that he had received the untraced report on 19.05.2009 and notified the OP about the same as well. In this regard, the Hon'ble Supreme Court in ***Gurshinder Singh Vs. Shriram General Insurance Company Ltd., 2020 (11) SCC 612***, has specifically clarified that the delay in intimating the insurance company about the theft of vehicle in question is no more a critical issue.

13. The learned District Forum issued a detailed and well-reasoned order based on evidence and arguments advanced before it. The learned State Commission, after hearing both parties, determined that

the District Forum's order required no intervention. It is a well settled position in law that revision under section 21(b) of the Act, 1986 confers very limited jurisdiction on this Commission. In the present case, there are concurrent findings of the facts and revisional jurisdiction of this Commission is limited. On due consideration of the entire matter, we do not find any illegality, material irregularity or jurisdictional error in the impugned Order passed by the State Commission warranting any interference in revisional jurisdiction under Act. We also place reliance upon the ratio in '**Rubi (Chandra) Dutta Vs. M/s United India Insurance Co. Ltd., (2011) 11 SCC 269.**

14. Hon'ble Supreme Court in '**Sunil Kumar Maity vs SBI & Anr Civil Appeal No. 432 OF 2022 Order dated 21.01.2022** observed:-

"9. 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 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. In the instant case, the National Commission itself had exceeded its revisional jurisdiction by calling for the report from the respondent-bank and solely relying upon such report, had come to the conclusion that the two fora below had erred in not undertaking the requisite in-depth appraisal of the case that was required."

15. Similarly, Hon'ble Supreme Court in **Rajiv Shukla Vs. Gold Rush Sales and Services Ltd. (2022) 9 SCC 31** has held that:-

*As per **Section 21(b)** the National Commission shall have jurisdiction to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. Thus, the powers of the National Commission are very limited. Only in a case where it is found that the State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise the jurisdiction so vested illegally or with material irregularity, the National Commission would be justified in exercising the revisional jurisdiction. In exercising of revisional jurisdiction the National Commission has no jurisdiction to interfere with the concurrent findings recorded by the District Forum and the State Commission which are on appreciation of evidence on record.*

16. Based on the discussion above, we do not find any merit in the present Revision Petition and the same is, therefore, **Dismissed**.

17. Keeping in view the facts and circumstances of the present case, there shall be no order as to costs.

18. All pending Applications, if any, also stand disposed of accordingly.

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(AVM J. RAJENDRA, AVSM, VSM (RETD.))
PRESIDING MEMBER

.....
(DR. SUDHIR KUMAR JAIN, J.)
MEMBER

/Megha