

(2025) 12 DEL CK 0015

Delhi HC

Case No: Civil Miscellaneous Petition No. 2414 Of 2025, Civil Miscellaneous Application
Nos.78527, 78526 Of 2025

Ansai Housing Limited

APPELLANT

Vs

Vikas Jain & Ors.

RESPONDENT

Date of Decision: Dec. 12, 2025

Hon'ble Judges: Girish Kathpalia, J

Bench: Single Bench

Advocate: Sanjeev Mahajan, Kumar Deepraj, Simran Rai, Dushyant Arora, Abhinav Garg,
Pallavi Raj, Mihir Gujjewar

Final Decision: Disposed Of

Judgement

Girish Kathpalia, J

1. This is second round before this Court. The petitioner has assailed order dated 03.10.2025 of the National Consumer Disputes Redressal Commission. Learned counsel for respondents appearing on advance intimation accepts notice and in all fairness, submits that the impugned order is not sustainable.

2. It appears that vide order dated 07.01.2025, the NCDRC in appeal modified the order dated 05.07.2024 passed by the SCDRC, after which the present respondent filed a modification application on 10.02.2025, which was allowed vide order dated 25.02.2025 by the NCDRC, thereby modifying the order dated 07.01.2025. The said order dated 25.02.2025 was challenged by the present petitioner before this Court, broadly on the ground that the said modification was carried out by the NCDRC without hearing the present petitioner. By way of order dated 31.07.2025, the predecessor bench disposed of the CM(M) 1340/2025, thereby requesting the NCDRC to consider the modification application afresh.

3. In the above circumstances, both sides appeared before the NCDRC and the present petitioner also filed a reply to the modification application, which culminated into the order impugned in the present case.

4. But, the impugned order is completely silent about the challenges raised by the present petitioner to the modification application. It is completely unreasoned order. Once the matter was remanded back to the NCDRC to decide afresh for the reason that the modification was carried out without hearing the present petitioner, it was expected that the NCDRC should have heard the present petitioner before reiterating its earlier order. Hearing a party in any lis is not simply mentioning in the order that the party concerned has been heard. The adjudicator, be it regular courts or special tribunals, must disclose in the order the arguments advanced and the reasons for which those arguments are accepted or rejected. The purpose behind a reasoned order is that the superior court while examining the legality or correctness of the order must be able to ascertain as to what went through mind of the adjudicator while passing the impugned order. In the present case, there is not even a whisper of any arguments advanced on behalf of the present petitioner and the reasons for which those arguments were being rejected by the NCDRC. Right to effective and fair hearing has been bruised in the impugned order.

5. It is under these circumstances that with consent of both sides the impugned order is set aside and the NCDRC is directed to hear both sides afresh on the modification application and pass a reasoned order from which it can be deciphered as to why those arguments are accepted or rejected. The matter is being remanded back for the second time to the NCDRC. Both sides shall appear before the NCDRC on 18.12.2025 at 10:30am. Keeping in mind the time already spent in this exercise, the NCDRC is also directed to finally dispose of the modification application within four weeks from today.

6. Accordingly, the petition and the accompanying applications stand disposed of. Copy of this order be immediately dispatched to the NCDRC for compliance.