IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7052/2023

H.D.F.C. BANK LTD. **APPELLANT(S)**

VERSUS

UMESH AMBIKA PRASAD MISHRA **RESPONDENT(S)**

O R D E R

1. **This appeal arises out of the order dated 13.09.2023 passed by the National Consumer Disputes Redressal Commission[1], New Delhi, in Consumer Case No. 331/2014.**

2. **By the said order, the NCDRC rejected the written statement filed by the appellant-Bank in the said consumer case on the ground that it was barred by time in terms of the law laid down by this Court in *New India Assurance Co. Ltd. Vs. Hilli Multipurpose Cold Storage Pvt. Ltd.*[2].**

3. **Aggrieved thereby, the appellant-Bank filed the present appeal. By order dated 10.11.2023, this Court stayed further proceedings in the consumer case.**

4. **Having heard the learned counsel for the parties, we find that the NCDRC failed to take note of a crucial factual aspect, verification of which stemmed from the law laid down by this Court in *New India Assurance Co. Ltd.* (supra).**

5. **The aforesaid judgment categorically held that, unless the notice served upon the opposite party in a consumer case is**

1 For short 'NCDRC'
2 (2020) 5 SCC 757

accompanied by a copy of the consumer case, it would not amount to proper and adequate service of notice, whereupon the limitation for filing of a written statement by such opposite party would commence.

6. In the case on hand, we find that the NCDRC failed to examine this aspect by inspecting the record to verify whether the notice sent in October, 2019, which is stated to have been served upon the appellant-Bank on 29.10.2019, was actually accompanied by a copy of the consumer case.

7. In the absence of this verifiable fact being established beyond doubt, the NCDRC ought not to have rejected the appellant-Bank's written statement, filed within time after service of a fresh notice in the year 2021 along with a copy of the consumer case.

8. The appeal is, accordingly, allowed, setting aside the impugned order passed by the NCDRC in Consumer Case No. 331/2014.

9. The NCDRC shall take on record the written statement filed by the H.D.F.C Bank Ltd. and consider the matter on its merits and in accordance with law.

10. Pending application(s), if any, shall stand disposed of.

..........................J.
(SANJAY KUMAR)

..........................J.
(SANJEEV SACHDEVA)

NEW DELHI;
AUGUST 04, 2026.

ITEM NO.1 COURT NO.9 SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

<u>Civil Appeal No. 7052/2023</u>

H.D.F.C. BANK LTD. Appellant(s)

VERSUS

UMESH AMBIKA PRASAD MISHRA Respondent(s)

Date : 04-08-2026 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Appellant(s) Mr. Kunal Tandon, Sr. Adv.
Ms. Aanchal Tandon, Adv.
Ms. Niti Jain, Adv.
Mr. Tarun Mehta, Adv.
Mr. Nitai Agarwal, Adv.
Mr. Pulkit Agarwal, AOR

For Respondent(s) Mr. Siddhartha Chowdhury, AOR
Mr. Snehasish Mukherjee, Adv.
Mr. Tamal Sanyal, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY) (PREETI SAXENA)
AR-CUM-PS COURT MASTER (NSH)
(Signed order is placed on the file)