

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.4914 OF 2023

ICICI LOMBARD GENERAL INSURANCE CO. LTD. & ANR. APPELLANT(S)

VERSUS

M/S. HCC CPPL JV RESPONDENT(S)

WITH

CIVIL APPEAL NO. 6963 OF 2023

M/S. HCC CPPL JV APPELLANT(S)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. & ANR. RESPONDENT(S)

O R D E R

CIVIL APPEAL NO.4914 OF 2023:

Heard Mr. Gaurav Banerji, learned Senior Counsel for the appellants and Ms. Madhavi Divan, learned Senior Counsel for the respondent.

2. The present appeal has been filed against the order dated 03.05.2023 passed by the National Consumer Disputes Redressal Commission (NCDRC), New Delhi, by which, there is an order against the appellants to pay the claim amount of Rs.9,61,90,263/- (Rupees Nine Crore Sixty One Lakh Ninety

Thousand Two Hundred and Sixty Three) along with interest at the rate of 9% p.a. from the date of lodging of the claim till its realization, failing which the interest was to increase to 12% p.a. and also to pay Rs.50,000/- (Rupees Fifty Thousand) towards litigation cost to the complainant.

3. Learned Senior Counsel for the appellants, at the outset, submits that the judgment of the NCDRC was delivered after almost 3 years and 4 months from the date the judgment was reserved. This apart, the important aspect, according to him, is also the fact that the said judgment came a day prior to the demitting of office by the then President of the NCDRC. Learned Senior Counsel submitted that though the order runs into 20 pages, but the consideration is restricted only to one paragraph, i.e., paragraph no.18, whereas the rest only deal with the case put forward by the parties. It was submitted that the said paragraph does not disclose any reasoning, much less any application of mind, why the NCDRC arrived at the conclusion that the amount awarded by it was just and fair in the facts and circumstances of the case. It was submitted that had it been a case where only the amount was disputed, there could have been some justification to rely upon the survey report submitted on behalf of the appellants, compared to the one submitted on behalf of the respondent, but in a case where the entire case has been

repudiated, it was the duty and obligation of the NCDRC to give cogent reasons and discuss the issues in some depth. Learned Senior Counsel further submitted that under similar circumstances, a coordinate Bench had remitted the matter for reconsideration. By way of example, he has shown to the Court an order passed in Civil Appeal Nos.6366-6367 of 2023 (*New India Assurance Company Limited & Ors. vs. M/s Louis Dreyfus Commodities Pvt. Ltd.*), dated 09.04.2026.

4. Learned Senior Counsel for the respondent submitted that the Surveyor on behalf of the appellants was thoroughly compromised and it was against the statutory provisions and he could not have been appointed as a Surveyor. It was submitted that he has close connection and interest in the appellant-Company, which made him ineligible to act as a Surveyor. It was further contended that an independent surveyor, who was fully competent had conducted the survey, though at the behest of the respondent, but the report was fair and objective. It was submitted that in such background, the NCDRC had gone through the report and rightly found it to be well considered and authentic and had relied upon the same.

5. Having considered the matter in its entirety, we find force in the submissions of learned Senior Counsel for the appellants that the consideration made in paragraph no.18 of the impugned judgment, cannot be sustained. In fact, we

do not find any reasoning whatsoever in the said judgment. Only on the ground that the report submitted by the Surveyor appointed by the respondent appears to be more authentic and based on rightful appreciation of the terms and conditions, without even going into the details, in our considered opinion, does not satisfy the requirement of passing an order awarding an amount of Rs.9,61,90,263/- (Rupees Nine Crore Sixty One Lakh Ninety Thousand Two Hundred and Sixty Three). The said amount after all has to be ascertained based on whether the claim is rightful as also whether the amount of compensation is adequate. On none of these issues, there is even a reference, much less, any discussion in the impugned judgment. Moreover, we are also in agreement with the view taken by the Coordinate Bench of this Court in the case of *New India Assurance Company Limited* (Supra) and are inclined to pass similar order.

6. Accordingly, the appeal is allowed. The impugned judgment dated 03.05.2023 passed by the NCDRC stands set aside. The matter is remanded to the NCDRC for *de novo* consideration. The Consumer Complaint No.308 of 2013 stands restored to its original number on the file of the NCDRC. As the case is of the year 2013 and the issue is of the year 2011, we request the NCDRC to dispose of the matter expeditiously, and preferably within a period of four

months from today. Since the parties are before us, they are directed to appear before the NCDRC on 18.08.2026.

7. Before parting, the Court would only observe that as there are two conflicting reports, it shall be open to the NCDRC to take a view, as to whether, there would be a requirement of a reassessment by an independent Surveyor.

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

CIVIL APPEAL NO. 6963 OF 2023:

9. In view of the order passed in Civil Appeal No. 4914 of 2023, this appeal stands dismissed.

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

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(R. MAHADEVAN)

NEW DELHI
AUGUST 12, 2026

ITEM NO.8

COURT NO.10

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

CIVIL APPEAL NO.4914/2023

ICICI LOMBARD GENERAL INSURANCE CO. LTD. & ANR.

APPELLANT(S)

VERSUS

M/S. HCC CPPL JV

RESPONDENT(S)

IA No. 157701/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES, IA No. 152931/2023 - STAY APPLICATION

WITH

CIVIL APPEAL NO. 6963 OF 2023

M/S. HCC CPPL JV

APPELLANT(S)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. & ANR.

RESPONDENT(S)

Date : 12-08-2026 These matters were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) :

C.A.NO.4914/2023

Mr. Gaurav Banerji, Sr. Adv.
Mr. Vinay Kumar Misra, AoR
Ms. Priya Misra, Adv.
Mr. Rajat Dasgupta, Adv.
Ms. Akshita Totla, Adv.

C.A. NO. 6963/2023

Ms. Madhavi Divan, Sr. Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Ms. Aandrita Deb, Adv.
Mr. Aman Shukla, Adv.
Mr. M. Chandrakanth Reddy, Adv.

Ms. Shambhawi Shiva, Adv.
Mr. Thandra Sai Yeshwant Goud, Adv.
Mr. Thandra Yeshwanth Goud, Adv.
Mr. Sandeep Singh, AoR

For Respondent(s) :

C.A.NO.4914/2023 Ms. Madhavi Divan, Sr. Adv.
Mr. D.Bharat Kumar, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Ms. Aandrita Deb, Adv.
Mr. Aman Shukla, Adv.
Mr. M.Chandrakanth Reddy, Adv.
Ms. Thandra Sai Yeshwanth Goud, Adv.
Ms. Shambhavi Siva, Adv.
Mr. Sandeep Singh, AoR

C.A. NO. 6963/2023 Mr. Gaurav Banerji, Sr. Adv.
Mr. Vinay Kumar Misra, AoR
Ms. Priya Misra, Adv.
Mr. Rajat Dasgupta, Adv.
Ms. Akshita Totla, Adv.

O R D E R

Civil Appeal No.4914/2023 stands allowed and Civil Appeal No.6963/2023 stands dismissed in terms of the signed order. The operative portion of the order reads thus:

"6. Accordingly, the appeal is allowed. The impugned judgment dated 03.05.2023 passed by the NCDRC stands set aside. The matter is remanded to the NCDRC for *de novo* consideration. The Consumer Complaint No.308 of 2013 stands restored to its original number on the file of the NCDRC. As the case is of the year 2013 and the issue is of the year 2011, we request the NCDRC to dispose of the matter expeditiously, and preferably within a period of four months from today. Since the parties are before us, they are directed to appear

before the NCDRC on 18.08.2026.

7. Before parting, the Court would only observe that as there are two conflicting reports, it shall be open to the NCDRC to take a view, as to whether, there would be a requirement of a reassessment by an independent Surveyor.

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

CIVIL APPEAL NO. 6963 OF 2023:

9. In view of the order passed in Civil Appeal No. 4914 of 2023, this appeal stands dismissed.

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

(POOJA SHARMA)
AR-CUM-PS

(POOJA KOHLI)
COURT MASTER (NSH)

(Signed order is placed on the file.)