

**IN THE DELHI STATE CONSUMER DISPUTES REDRESSAL
COMMISSION**

Date of Institution: 02.06.2026

Date of Hearing: 19.08.2026

Date of Decision: 07.10.2026

FIRST APPEAL NO. 360/2026

IN THE MATTER OF

MS. PRIYA MEHROTRA,

W/O. LATE MR. SAURABH MEHROTRA,

R/O. 238C, MIG FLATS,

RAJOURI GARDEN,

NEW DELHI-110027.

(Through: Neha Gund & Associates, Advocates)

...Appellant

VERSUS

TATA AIG GENERAL INSURANCE CO. LTD.,

HAVING REGD. OFFICE-PENINSULA BUSINESS PARK,

TOWER A, 15TH FLOOR, G. K. MARG,

LOWER PAREL, MUMBAI-400013.

...Respondent

CORAM:**HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)****HON'BLE MS. BIMLA KUMARI, MEMBER (FEMALE)**

Present: Counsel for the Appellant.

PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL, PRESIDENT**JUDGMENT**

1. The present Appeal is preferred by the Appellant against the Interim Order dated 02.02.2026., passed by the District Consumer Disputes Redressal Commission-III, Govt. of NCT of Delhi. C-Block, Community Centre, Pankha Road, Janak Puri, New Delhi, titled Priya Mehrotra vs. Tata AIG General Insurance Co. Ltd. in CC No. 464 of 2025.
2. The District Commission after taking into consideration the material available on record passed the order dated **02.02.2026**, whereby it held as under:

“1. Complainant's husband Saurabh Mehrotra (now deceased) had purchased Tata AIG Medicare Policy bearing no. 0288083563 on 08.06.2019 from OP and got it renewed on 08.06.2020 and lastly was renewed from 08.06.2021 to 07.06.2022 for Sum Assured Rs. 20 Lacs covering both the Complainant and her deceased husband on payment of gross premium of Rs. 26,638/-paid to the OP. Before issuing the policy all requisite medical tests of the Complainant's husband were conducted by OP and on finding him fit was the insurance/ medical coverage extended to him. Complainant was assured by OP that mediclaim would be available without any stipulation. On 16.08.2021, Complainant's husband suddenly felt unwell and uneasy with vomiting and

restlessness while he was working at his dental clinic and left the clinic for home when he was taken to nearby Kukreja Hospital, Rajouri Garden, Delhi by the Complainant. He was discharged the same day after investigations which reports did not give any adverse findings and he was referred to higher centre for further evaluation. Following the advice for referral, the Complainant was taken to Sir Ganga Ram Hospital on 17.08.2021 where his investigations and endoscopy reports come normal and he did not show any signs of chronic liver disease. He was otherwise a complete teetotaler with no history of alcohol or substance abuse. However, post-endoscopy, his condition started deteriorating rapidly and he was put on ventilator support and doctor informed the Complainant that her husband's liver was damaged which shocked the Complainant. The patient was shifted to Institute for Liver & Biliary Science (ILBS) on 14.09.2021 for specialized treatment in view of his deteriorating health but unfortunately he expired on 27.10.2021. The Complainant submitted all necessary documents and filed both cashless and reimbursement claim with OP for total medical expenditure of Rs. 25,73,529/- incurred on her husband's treatment but OP vide Repudiation Letter dated 14.01.2022 wrongfully rejected the claim on ground "on scrutiny of claim documents, it is observed that submitted claim is for management of the medical and surgical treatment of cirrhosis which falls in two years of waiting Period. Hence we regret to inform that claim is repudiated as per Section 3 (1) (ii) Excl. 02". The Complainant made representation to Grievance Redressal Cell of OP but there too the claim was rejected on 17.12.2022 on same grounds. Feeling aggrieved, the Complainant lodged a complaint with Insurance Ombudsman (IO) but the IO vide

Order dated 31.01.2023 also rejected the complaint. Therefore, alleging deficiency of service, gross unfair trade practice and negligence on the part of OP, the Complainant has filed the present complaint praying for issuance of directions to OP to reimburse the mediclaim of Rs. 25,73,529/- with amount @ 18% p.a. from date of rejection of claim till payment alongwith compensation of Rs. 1 Lacs for mental agony, harassment, deficiency of service and Rs. 1 Lacs towards litigation expenses. Complainant filed Application under Section 5 of Limitation Act for condonation of delay in filing the complaint urging that Complainant has been filed against Order dated 31.01.2023 passed by the 10 the Complainant filed amended application under Section 69 of CPA, 2019 urging that delay in filing complaint under limitation period be condoned in view of Complainant suffering from severe distressed psychological condition due to demise of her husband and in June, 2024, she suffered from severe clinical depression and was under treatment and only post May, 2025 when she regained her senses after prolonged medical treatment and counselling that she became mentally capable of understanding her legal position when she consulted legal counsel and upon consultation, she was made aware of her rights to challenge the impugned order and is now seeking appropriate redressal. Complainant urged that there is a delay of 250 days from two years Ombudsman Order dated 31.01.2025 till when the present complaint has been filed. Therefore, vide this application, Complainant has prayed for condonation of delay which period has been calculated 2 years from date of Ombudsman Order dated 31.01.2023.

2. The Law on limitation as provided in Section 24 (A) of CPA 1986 (old Act) and Section 69 of Consumer Protection

Act, 2019(new Act) clearly stipulates that the limitation for filing of a complaint shall end within 02 years from the date on which the cause of action has arisen and contains a negative legislative mandate against admission of a complaint which has been filed after two years from the date of accrual of cause of action. In other words, the Consumer Forums do not have the jurisdiction to entertain a complaint if the same is not filed within two years from the date on which the cause of action has arisen. The term 'cause of action' pithily stated is bundle of facts for which a suit is brought and cause of action which gives occasion for and forms the foundation of the suit. The law on the said issue has been clearly settled by Hon'ble Supreme Court in so far as the nature and scope of Section 24 (A) is concerned in the landmark judgments of Kandimalla Raghavaiah & Co. Vs National Insurance Co. Ltd (2009) 7 SCC 768, State Bank of India Vs B S Agricultural Industries (2009) 5 SCC 121 and V. N. Shrikhande (Dr) Vs Anita Sena Fernandes (2011) 1 SCC 53. The Hon'ble National Commission in the judgment of Jansatta Sahkari Awas Samati Ltd VsKone Elevators India Pvt Ltd I (2016) CPJ 190 NC held that mere sending a legal notice does not constitute a cause of action nor does it extend a period of limitation prescribed in the Act in view of settled proposition of law under Section 24 A of CPA as mandatory in nature as held by Hon'ble Supreme Court in B.S. Agriculture Case (Supra) in which the Hon'ble Apex Court took the view that Section 24 A is preemptory in nature and requires consumer Forums to see before it adjudicates the complaint that it has been filed within two years from the date of accrual of cause of action. The Hon'ble National Commission in the Judgment of Punjab Small Industries and Export Corporation Ltd and Anr. Vs Satinder Pal Singh II

(2018) CPJ 245 (NC) has held that the complainant remaining inactive and suddenly sending legal notice to OP cannot entitle him for waiver of limitation period as any amount of correspondence cannot extend limitation period. The Hon'ble Supreme Court in B.S. Agricultural Industries (Supra) case held the view that it is the duty of the Consumer Forum to take notice of section 24 A and give effect to it. If the complaint is barred by time and yet, the Consumer Forum decides the complaint on merits, the Forum would be committing an illegality and therefore, the aggrieved party would be entitled to have such order set aside. The Hon'ble Supreme Court in State of Tripura & Ors Vs Arabinda Chakraborty & Ors I (2014) SLT 370 decided on 21.04.2014 held that simply by making a representation, period of limitation would not get extended. A person may go on making representations for years and in such an event the period of limitation would not commence from the date on which the last representation decided. The said ratio was followed by Hon'ble National Commission in Mahesh Nensi Shah Vs. Oriental Insurance Company Ltd. III (2006) CPJ 414 (NC) & recently in Samruddhi Co-operative Housing Society Ltd Vs. Mumbai Mahalaxmi Construction Pvt Ltd. I (2019) CPJ 347 (NC) in which Hon'ble National Commission held that period of limitation cannot get extended on the basis of exchange of communication between parties once cause of action has arisen as also laid down by Hon'ble National Commission in judgment of Ashok Kumar Sainia Vs Delhi Development Authority 2013 (2) AWC 457 (NC). The Hon'ble Supreme Court in Muneesh Devi Vs U.P. Power Corporation Ltd (2013) 10 SCC 478 held that reply to legal notice cannot extend period of limitation and dismissed the complaint. The Hon'ble Supreme Court in HUDA Vs. Tej Refrigeration

Industries Ltd. IV (2012) CPJ 12 (NC) also decided the limitation on similar lines. The Hon'ble National Commission in judgment of Tehri Hydro Development Corporation Ltd Vs New India Assurance Co. Ltd 2003 (i) CPJ 31 (NC), while dismissing a time barred complaint for want of sufficient cause to condone delay, granted liberty to the complainant to approach appropriate Forum for seeking relief. The Hon'ble National Commission in M/s State India Express (Registered) Vs M/s Ranutrol Ltd and New India Assurance Co. Ltd in First Appeal Nos. 780/2006 and 116/2007 decided on 18.11.2013 held that wrong assumption of the date on which cause of action arose is no excuse to condone delay. The Hon'ble Supreme Court in Anshul Aggarwal Vs New Okhla Industrial Development Authority IV (2011) CPJ 63 (SC), Cicily Kallarackal Vs Vehicle Factory IV (2012) CPJ I (SC), R.B. Ramalingam Vs R.B. Bhavaneshwary I (2009) SLT 701 and Ram Lal Vs Rewa Coal fields Ltd AIR 1962 SC 361 held that while deciding an application for condonation of delay, the court has to keep in mind the special period of limitation prescribed under Consumer Protection Act 1986 and whether the petitioner has acted with reasonable diligence and has explained the delay properly with emphasis on necessity to show sufficient cause since the proof of sufficient cause is a condition precedent for exercise of discretionary jurisdiction for condoning delay. The Hon'ble Supreme Court in Bikram Dass Vs Financial Commissioner and Ors AIR 1977 SC 1221 held that Limitation Act is a hard task master and judicial interpretation has encased it within a narrow compass. Therefore a litigant who is not vigilant about his right must explain every days delay. Sufficient cause has been explained by Hon'ble Supreme Court in Basavraj and Anr. Vs The Spl. Land Acquisition Officer 2013 AIR SCW 6510 as that delay

was due to bonafide on the part of party and that party has not acted in a negligent manner or remain inactive; therefore meaning adequate and enough reasons which prevented the applicant to approach the court within limitation. The above ratios of Hon'ble Apex court were followed by Hon'ble National Commission in State of Haryana Vs Santra, Anita I (2019) CPJ 211 (NC), Eclectic Developers Pvt Vs. Smita Datta Makhija II (2019) CPJ 545 (NC), Punjab State Power Corp. Ltd Vs. Lal Sarn Dass Sarve Hitkari School I (2019) CPJ 500 (NC) and Uttar Pradesh Madhyamik Shiksha Parishad Vs Gurmeet Kaur II (2019) CPJ 19 (NC). The Hon'ble National Commission in Sanjay Singh Vs Baby Chandna in RP no. 2208-2209/2015 decided on 08.09.2015 held that cause of action once accrued cannot be extended by a party by just writing demand letters/ legal notice. In Rishi Prabhat Vs. DDA AIR 1995 DEL 9, Hon'ble Delhi SCDRC held that after expiry of limitation period each day's delay has to be explained.

3. In the present case, the complainant as per his own case had exhausted its opportunity to raise maximum of two representations in August, 2018 and thereafter ended in August, 2020 but did not file complaint till September, 2022 period too for the present complaint. No reason for delay much less an application for condonation of delay has been placed on record by the complainant.

After having exhaustively dealt with the legal discourse and the settled preposition of law in the catena of judgments passed by Hon'ble Supreme Court and Hon'ble National Commission on the aspect of limitation, we are of the considered opinion and unambiguously conclude that the present complaint is barred by limitation under Section 69 since the period for filing the same expired in December,

2024. The Hon'ble Supreme Court in *N. Balakrishnan Vs M. Krishnamurthy VII* (1998) SLT 334 laid down that law of limitation is enshrined in the maxim *interest republic up sit finis Mum* (it is for the general welfare that a period be put to litigation) and that it fixes a life span for such legal remedy for redressal of legal injury so that precious time which is wasted would never revisit. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time to see that party do not resort to dilatory tactics but seek their remedy promptly. It is settled preposition of law that law of limitation may harshly affect a particular party but it has to be applied with all its rigor when the statute prescribed which the court has no power to ignore. The legal maxim "*duralexsedlex*" which means the law is hard but it is the law stands attracted in such a situation. The Hon'ble Supreme Court in *Kamlesh Babu and ORs Vs. Lajpat Rai Sharma IV* (2008) SLT 244 and *Lanka Venkateswarlu (d) by LRs Vs. State of AP* held that once a valuable right has accrued in a party as a result of failure of another party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right particularly when the delay is a result of negligence, default or inaction of that party and a such a party has been thoroughly negligent in implementing its rights and remedies, it would be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly. The Hon'ble Supreme Court in *Oriental Arora Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation II* (2010) SLT 205 observed that law of limitation being founded on public policy, should not destroy the rights of parties but has to ensure that they do not resort to dilatory tactics and seek remedy without delay. The Hon'ble National

Commission in the recent judgment of Hema Hitesh Shah &Anr. Vs. HDFC Bank III (2022) CPJ 63 (NC) held in a case where because of action arose in 2008 and complaint filed in 2015 that the cause of action clearly arose in year 2008 and act of communication between parties after cause of action has arisen does not amount to continuous cause of action as when it starts running, it continues and remedy is to be sought within prescribed period of limitation. The Hon'ble National Commission relied upon the judgement of Hon'ble Supreme Court in Inder Singh Rekhi Vs DDA (1988) 2 SCC 338 and Geo Miller & Co. Pvt. Ltd Vs. Rajasthan Vidyut Utpadan Nigam Limited (2020) 14 SCC 643 wherein the Hon'ble Supreme Court made observation that a party cannot postpone the accrual of cause of action by writing reminders or sending reminders and mere correspondence by way of writing letters/reminders subsequent to date of cause of action as it would not extend limitation.

4. The complaint is accordingly dismissed in limine as time barred.”

3. Aggrieved by the aforesaid order of the District Commission, the Appellant has preferred the present Appeal, submitting that the District Commission erred in dismissing the Complaint of the Appellant on the ground of limitation. It is further submitted that the invocation of the waiting period clause is unsustainable in law, and that the sudden onset of liver dysfunction in the case of the late husband of the Appellant was an acute medical condition and not a pre-existing disease, which manifested abruptly and unexpectedly during the course of routine life of the late husband of the Appellant. It is also submitted that the District Commission erred in the interpretation of the “sufficient cause” as envisaged under Section 5 of the Limitation Act, 1963, and the circumstances of the

Appellant involving prolonged medical treatment for clinical depression have been relied upon by the Counsel for the Appellant. Pressing the aforesaid submissions, the Appellant prayed for setting aside the impugned order passed by the District Commission.

4. We have perused the material available on record.
5. The ***main question*** for consideration before us is ***whether the order passed by the District Commission suffers from any infirmity.***
6. To deal with this question, we deem it necessary to refer to Section 5 of the Limitation Act, 1963, which provides as under:

“5. Extension of prescribed period in certain cases.—Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.”

7. On bare perusal of the aforesaid statutory position, it is clear that any Appeal or Application may be admitted if the Appellant or Applicant satisfies the Court that he had sufficient cause for not preferring the Appeal or making the Application within the period of limitation. At this juncture, we deem it necessary to refer to Section 69(1) of the Consumer Protection Act, 2019, which provides as under:

“69. Limitation period.

(1) The District Commission, the State Commission or the National Commission shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen.”

8. On bare perusal of the aforesaid statutory position, it is clear that a Complaint shall be filed within 2 years from the date on which the cause of action has arisen for such Complaint to be admitted by the District Commission, State Commission, or National Commission.
9. On perusal of record, we find that there has been a delay of 250 days in filing the Complaint before the District Commission, for which, the Appellant has given sufficient cause, being that she was seeking treatment for clinical depression after the demise of her husband, as is clear from the Prescription adduced by the Appellant (***annexed on page no. 140 alongwith the Appeal***), therefore, it would be in the interest of justice to condone the delay in filing the Complaint of the Appellant. Having condoned the delay, the District Commission is directed to decide the said Complaint on merits.
10. In addition to the aforesaid, the matter is hereby returned to the District Commission (West), Pankha Road, Janak Puri, Delhi, 110058 to be decided on merits within **three months** from the date of present Judgment.
11. The parties are directed to appear before the District Commission (West), Janak Puri, Delhi, on **17.11.2026**. Copy of the present Judgment be sent to the District Consumer Disputes Redressal Commission-III: West, C-Block Community Centre, Pankha Road, Janak Puri, Delhi-110058 immediately for necessary action/Compliance.

12. Keeping in view the aforesaid discussion, we ***set aside*** the order dated **02.02.2026** passed by the ***District Consumer Disputes Redressal Commission-III, West Govt. of NCT of Delhi, C-Block, Community Centre, Pankha Road, Janak Puri New Delhi-110058.***
13. Consequently, the present Appeal stands ***allowed***.
14. Application(s) pending, if any, stands disposed of in terms of the aforesaid judgment.
15. A copy of this judgment be provided to all the parties free of cost as mandated by the Consumer Protection Act, 2019. The judgment be uploaded forthwith on <https://e-jagriti.gov.in> for perusal of the parties. A copy of this judgment be also sent to the concerned District Commission.
16. File be consigned to record room along with a copy of this Judgment.

(JUSTICE SANGITA DHINGRA SEHGAL)
PRESIDENT

(BIMLA KUMARI)
MEMBER (FEMALE)

Pronounced On: **07.10.2026**

LR-DK