

ITEM NO.101 (Part-heard)

COURT NO.8

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.1135 OF 2001

BUDDHIST MISSION DENTAL COLLEGE & HOSPITAL

Appellant (s)

VERSUS

BHUPESH KHURANA & ORS.

Respondent(s)

(With appln(s) for urging additional grounds)

Date: 26/11/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Appellant(s) Mr. Vijay Kumar, Adv.

Mr. Pankaj Kumar, Adv.
Mr. Vishwajit Singh, Adv.

For Respondent(s)

Mr. Sunil Kumar, Sr. Adv.
Mr. Awanish Singh, Adv.
Mr. Himanshu Shekhar, Adv.

Mr. Irshad Ahmad, Adv.

UPON hearing counsel the Court made the following
ORDER

The National Consumer Disputes Redressal
Commission, New Delhi in the impugned order, directed
respondent Nos.1 to 4 to refund the admission expenses paid by
the complainants at the time of admission with interest
calculated at the rate of 12% p.a. from the date of receipt of the
amount till date of payment and also Rs.20,000/- to each of the
complainants by way of compensation for the expenses defrayed

2

on purchase of books, mess expenses, hostel expenses for two
years and for the loss of two valuable academic years.

This Court while admitting appeal on 23.2.2001
directed that there shall be interim stay of the operation of the
judgment/order under challenge subject to the condition that
the appellant deposits the sum as directed therein with the
National Commission within four weeks.

It is not disputed by learned counsel appearing for the

appellant that neither the interest nor the payment of Rs.20,000/- each has been deposited or paid to the complainants despite clear orders of the Commission.

According to the complainants, the appellant is clearly in breach of the order of this Court. Learned counsel appearing for the appellant fairly submitted that the interest amount and the payment of Rs.20,000/- each to the complainants by way of compensation would be deposited before the National Commission within one week from today.

In view of this undertaking, we are not taking any action against the appellants (who were respondent nos.1 to 4 before the National Commission). Let this amount be deposited within one week from today before the National Commission. It is made clear that the interest amount would be paid from the date of receipt of the amount till the date of payment (as directed by the Commission).

List this matter again on 3.12.2008 as part-heard.

3

Parties are permitted to file written submissions by Monday, i.e., 1st December, 2008.

(K.K. Chawla)
Court Master

(Neeru Bala Vij)
Court Master