

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(s). 1739 OF 2005

AQUADEV (INDIA) LTD

Appellant (s)

VERSUS

STATE BANK OF HYDERABAD AND OTHERS

Respondent(s)

WITH Civil Appeal NO. 1750 of 2005

Date: 09/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)	Mr.	Sudhir Chandra, Sr. Adv.
In CA 1739/2005 &	Mr.	Bhagabati Prasad Padhy, Adv.
For respondent(s)	Mr.	Trideep Pais, Adv.for
in CA 1750/2005	Mr.	Nikhil Nayyar, Adv.
For Respondent(s)	Mr.	Chetan Sharma, Sr. Adv.
In CA 1739/2005 &	Mr.	R.P.Vats, Adv.
For appellant(s)	Mr.	S.C.Dhamija, Adv.for
in CA 1750/2005	Mr.	Chander Shekhar Ashri, Adv.

Mr. Balraj Dewan ,Adv

UPON hearing counsel the Court made the following

O R D E R

The Appeals are accepted in terms of the signed order and the matter is remitted to the National Commission to decide it afresh in accordance with law and after hearing both sides. We would request the National Commission to decide the case expeditiously, preferably within four months' from the date of production/receipt of a copy of this order. No costs.

All contentions are left open to both the parties.

Both parties shall present themselves before the National Commission on 05th April, 2010 along with a certified copy of this order.

(Parveen Kr. Chawla)

Court Master

[Signed Order is placed on the file]

(Indu Satija)

Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1739 OF 2005

Aquadev (India) Limited

..Appellant

versus

State Bank of Hyderabad & others

..Respondents

WITH
CIVIL APPEAL NO.1750 OF 2005

O R D E R

These Appeals have been filed against the impugned judgment of the National Consumer Disputes Redressal Commission, New Delhi dated 02nd September, 2004 and subsequent order dated 19th November, 2004 passed in the review petition.

We have heard learned counsel for the parties.

The facts have been set out in detail in the impugned judgment and hence we are not repeating the same here.

Lengthy arguments have been advanced by the learned counsel for both sides but in our opinion, it is not necessary for us to deal with the same here because we are of the opinion that the National Commission has not given proper reasons in its judgment and has not properly appreciated the facts of the case.

Hence, we accept these appeals, set aside the impugned judgment dated 02nd September, 2004 and subsequent order dated 19th November, 2004 passed in the review

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petition and remit the matter to the National Commission to decide it afresh in accordance with law and after hearing both sides. We would request the National Commission to decide the case expeditiously, preferably within four months' from the date of production/receipt of a copy of this order. No costs.

All contentions are left open to both the parties.

Both parties shall present themselves before the National Commission on 05th April, 2010 along with a certified copy of this order.

.....J.
[MARKANDEY KATJU]

NEW DELHI ;
MARCH 09, 2010

.....J.
[A.K. PATNAIK]