

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(s). 212-213 OF 2004

ORIENTAL INSURANCE CO. LTD.

Appellant (s)

VERSUS

TRANSPORT CORPORATION OF INDIA LTD. &ORS

Respondent(s)

(With office report)

Date: 18/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Santosh Paul, Adv.
Mr. K. K. Bhat, Adv.
Mr. M.J. Paul, Adv.

For Respondent(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Gautam Bannerji, Adv
Mr. P.D. Sharma, Adv.

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

The appeals are allowed in terms of the signed order.

(Deepak Joshi)
Sr. P. A.

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 212-213 OF 2004

ORIENTAL INSURANCE CO. LTD.

.....Appellant

Versus

TRANSPORT CORPORATION OF INDIA LTD.
& ORS

.....Respondent

O R D E R

Heard learned counsel for the parties.

These appeals have been filed against the
judgment and order dated 23.10.2002 in FA Nos. 190 &
191 of 2001 of the National Consumers Disputes
Redressal Commission, New Delhi.

The facts of the case have been set out in the impugned judgment of the National commission, hence we are not repeating the same here.

Having gone through the impugned order of the National Commission, we see that the same is based on a judgment of this Court rendered in the case of Oberoi Forwarding Agency Vs. New India Assurance Co. Ltd. Reported in (2000) 2 SCC 407. The said judgment in Oberoi Forwarding Agency has been overruled by a larger Bench of this Court in the case of the Economic Transport Organisation Vs. Charan SPG Mills Pvt. Ltd. 2010 (4) SCC 114.

Hence, we allow these appeals, set aside the impugned order of the National Commission and sent the matter back to the National Commission to decide it afresh in the light of the decision of the larger Bench in the case of Economic Transport Organisation (supra). No costs.

All questions of law and fact are open to the parties to be raised before the National Commission.

.....J.
(MARKANDEY KATJU)

.....J.
(T. S. THAKUR)

NEW DELHI
AUGUST 18, 2010.