

ITEM NO.109

COURT NO.5

SECTION XVII

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). 3509 OF 2004

M/S RANE APPARELS

Appellant (s)

VERSUS

EXPORTS CREDIT GUARANTEE CORP.,INDIA LTD

Respondent(s)

(With office report )

Date: 23/02/2010 This Appeal was called on for hearing today.

CORAM :

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

For Appellant(s)

Mr. K.V.Viswanathan, Sr. Adv.  
Mr. P.B.Subramani, Adv.  
Mr. S.Ramamoorthy, Adv.  
Ms. V. Mohana,Adv.

For Respondent(s)

Mr. Sudhir Chandra, Sr. Adv.  
Mr. Bharat Sangal,Adv.  
Ms. Mrinalini Oinam, Adv.  
Ms. Vernika Tomar, Adv.

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

The appeal is disposed of in terms of the signed  
order. No order as to the costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3509 OF 2004

M/s Rane Apparels

..Appellant

versus

Exports Credit Guarantee Corporation  
of India Limited

..Respondent

O R D E R

This Appeal has been filed against the impugned

order of the National Consumer Disputes Redressal Commission, New Delhi dated 01st March, 2004.

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

Having heard learned counsel for the parties at some length and having perused the record, in our opinion, many complicated questions of facts and law are involved in this case and hence the Consumer Forum was not the appropriate forum for adjudication of the controversy.

In our view, the appropriate forum in this case would be the Civil Court.

Hence, without expressing any opinion on the merits of the controversy, we dispose of this appeal with liberty to the appellant to approach the Civil Court by filing a

civil suit to resolve the controversy. If such a suit is filed, the concerned Court shall decide the same on its own

merits in accordance with law, as expeditiously as possible  
CIVIL APPEAL NO(s). 3509 OF 2004

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and uninfluenced by any of the observations made in the impugned order passed by the National Commission. No order as to the costs.

Needless to say that all contentions are open to both the parties.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
FEBRUARY 23, 2010

.....J.  
[T.S. THAKUR]