

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5125-5137 OF 2003

M/S.ADVANTAGE LEAS.& FINANCE P.LTD.&ORS.

Appellant (s)

VERSUS

AKESH KUMAR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 29/04/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Dr. Anurag Kumar Agarwal, Adv.for
Mr. Sanjay Jain,Adv.

For Respondent(s) Rr-Ex-Parte

UPON hearing counsel the Court made the following
ORDER

The Appeals are allowed in terms of the signed order and the impugned judgment of the National Commission is set aside and the matter is remitted to the Commission to pass a fresh order in accordance with law after hearing the parties and after giving adequate reasons. No costs.

(Parveen Kr. Chawla)
Court Master

(Pushap Lata Bhardwaj)
Court Master

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5125-5137 OF 2003

M/s. Advantage Leasing & Finance
P. Ltd. & Others

..Appellants

versus

Akesh Kumar & Others

..Respondents

ORDER

Heard learned counsel for the appellants.

None has appeared for the respondents, though served.

The impugned orderr of the National Consumer Disputes

Redressal Commission, New Delhi (for short 'the Commission') has passed the following order:

"The question concerns very small investors who have been deprived of their dues by this clever finance company. We are not inclined to interfere with the concurrent finding of facts by the for a below. Revision Petitions are dismissed."

A persual of the impugned order, quoted above, clearly shows that no reasons whatsoever have been given for the same.

Recently, we have held in Civil Appeal NO.1921 of 2009 arising out of SLP(C) No. 10483 of 2007 titled

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Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank versus Jagdish Sharan Varshney & Others decided on 26th March, 2009 that an order of affirmation must also give some reasons though they need not be as elaborate as in an order of reversal.

Following the aforesaid decision, these appeals are allowed and the impugned judgment of the Commission is set aside and the matter is remitted to the Commission to pass a fresh order in accordance with law after hearing the parties and after giving adequate reasons. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
APRIL 29, 2009.

.....J.
[H.L. DATTU]