

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8798/2009

(From the judgement and order dated 18/02/2009 in RP No.341/2009  
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

JANTA SAHAKARI BANK LTD.PUNE & ORS. Petitioner(s)

VERSUS

ANIL BHASKAR JOSI & ANR. Respondent(s)

(With prayer for interim relief)  
(For final disposal)

Date: 29/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Arun R.Pednekar, Adv.  
Mr. V.N. Raghupathy, A.O.R.(Not Present)

For Respondent(s) Ms.Manita Verma, Adv.  
Mr. Devashish Bharuka, A.O.R.(Not Present)

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

The complaint filed by the respondents in the matter of non-payment of amount due under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was allowed by the District Consumer Disputes Redressal Forum, Pune and the petitioners were directed to refund the amount of Rs.5,05,717/- together with past and future interest at the rate of 9% per annum with effect from 27.05.2005 till realisation. The appeal preferred by the petitioners was dismissed by the State Consumer Disputes Redressal Commission, Maharashtra State (for short, 'the State Commission')

vide order dated 24.10.2008. Paragraph 10 of that order reads as under:

"10. However, we are finding some substance in the submissions made by Ld.Counsel for the appellant. Counsel for the appellant submitted that the bank would comply with the order passed by Forum as being confirmed by this Commission in appeal. But question is he had been given discharge of Home loan and charge of his flat has been released, since his Home loan account had been closed by issuing No Dues Certificate. We hold that when we are asking the

appellant bank to credit to the account of the complainant an amount of Rs.5,05,717/- with interest, charge on his flat credited in favour of the appellant, bank will be still in force and will be enforceable till Home loan account is wholly settled by the respondent. Respondent fairly conceded before us that after he receive amount due as per award, he shall pay all the arrears of installments from 30.10.2004 till today i.e. 24.10.2008 to bank at one stroke and shall continue to pay remaining amount of Home loan as per EMI being recovered by the bank while he was in service. When this is the concession agreed before us, we direct that bank shall have continuing charge on the flat of the respondent till all the installments of the whole EMIs are paid by the respondent and this charge shall be recorded in the property register by supplying copy of this judgment to the Sub-Registrar of Assurances at Pune. Hence, the following Order:-

O R D E R

1. Appeal is dismissed with cost of Rs.2000/-.
2. Besides the cost awarded by the Forum below, appellant is directed to deposit the amount as per direction given by the Forum in its award. But the flat of the complainant shall be under charge as security for Home loan provided by appellant bank till complainant pays all the installments as per EMI fixed by the bank. He shall pay immediately amount of all the installments from 30.10.2004 till today in lump sum and continue to pay remaining amount of Home loan installments as per EMI already fixed between the parties. Rate applicable shall be the same as was given by the bank to the respondent/or complainant. Default in payment of Home loan installment shall entitle the bank to take appropriate legal action against the

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respondent."

The National Consumer Disputes Redressal Commission

(for short, 'the National Commission') dismissed the revision filed

by the petitioners by observing that the State Commission had passed the order on the basis of concession given by the counsel for the parties.

We have heard learned counsel for the parties and perused the record.

In our view, the impugned order passed by the National Commission whereby the revision preferred by the petitioners against the order of the State Commission was dismissed does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Satisb K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master