

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). 9503 OF 2003

UNITED INDIA INSURANCE CO. LTD.

Appellant (s)

VERSUS

SURYA UDYOG LTD.

Respondent(s)

(With appln(s) for intervention)

Date: 16/02/2010 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. K.L. Nandwani, Adv.
Mr. Debasis Misra, Adv.

For Respondent(s) Mr. A.K. Ganguli, Sr. Adv.
Mr. Arvind Varma, Sr. Adv.
Mr. Braj Kishore Mishra, Adv.
Mr. Gaurav Kejriwal, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.

For Intervening Party Mr. Dhruv Mehta, Adv.
Mr. Mohit Abraham, Adv.
Ms. Tannushree Mukherjee, Adv.
for M/S K.L. Mehta & Co., Adv.

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

Application for intervention is allowed.

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

(Ajay Kr. Jain)
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. 9503 OF 2003

United India Insurance Co. Ltd.

.... Appellant

Versus

Surya Udyog Ltd.

.... Respondent

O R D E R

I.A. No.3/2009 (Application for Intervention) filed
by the United Bank of India is allowed.

This is an appeal against the order dated
09.07.2003 of the National Consumer Disputes Redressal
Commission, New Delhi (hereinafter for short 'the National
Commission') in Original Petition No. 45/2001. By the
impugned order, the National Commission, while holding that
the complaint deserves to be dismissed with liberty to the
complainant to approach the competent Civil Court for the
balance payment, if so advised, directed the appellant-
insurance company to make payment to the bank on behalf of
the complainant company a sum of Rs. 58,61,764/- with
interest @ 9% per annum w.e.f. 1.4.2000.

We have heard learned counsel for the parties and
we are of the considered opinion that the payment of amount
of Rs. 58,61,764/- with interest, as directed by the
National Commission, be made to the United Bank of India
but this would be subject to adjudication of the dispute
between the parties in the Civil Court or by the
Arbitrator, as the case may be.

We understand that a sum of Rs.1,25,74,058/- has
been deposited by the appellant pursuant to interim orders
passed by this Court. The aforesaid sum of
Rs.1,25,74,058/- is directed to be paid to the United Bank
of India as per the settlement arrived at between the Bank
and the respondent company. However, as stated above, the
aforesaid payment to United Bank of India will be subject
to result in the adjudication by the Civil Court or the
Arbitrator.

With the abovesaid observations, the appeal stands
disposed of. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.

(A.K. PATNAIK)

NEW DELHI ;
FEBRUARY 16, 2010