

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). 4133 OF 1999

RASHMI FADNAVIS & ANR

Appellant (s)

VERSUS

MUMBAI GRAHAK PANCHAYAT & ORS

Respondent(s)

Date: 21/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. L.P. Dhir, Adv.

Mrs. Maneesha Dhir, Adv.

Mr. Pranab Kumar Mullick, Adv.

For Respondent(s)

Mr. Shirish Deshpande, Adv.

No. 1 Mr. Shridhar Y Chitale, Adv.

Mr. Abhijat P. Medh, Adv.

Mr. S.R. Grover, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed in part and the impugned orders in relation to

interest are modified and the appellants are directed to pay interest at the rate of

10 percent instead of 18 per cent as directed by the State Commission.

No costs.

[Charanjeet Kaur]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4133 OF 1999

Rashmi Fadnavis & Anr.

.. Appellant(s)

Versus

Mumbai Grahak Panchayat & Ors.

.. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The State Commission by its order dated 2nd August, 1993

granted compensation to the tune of Rs.2,55,355 to be paid to the

complainants apart from Rs.5,000/- as cost of the proceeding. Apart

from this, by the same order it was directed that the said amount

shall be paid within a period of thirty days from the date of receipt of

order passed by the State Commission, failing which the amount

shall carry interest at the rate of 18 per cent per annum till

realisation. Against the said order, when the matter was taken in

appeal, the National Consumer Disputes Redressal Commission

(for short, the National Commission") confirmed the same. Hence,

this appeal by special leave.

..2/-

Learned counsel appearing on behalf of the appellants first tried to persuade us to hold that the National Commission was not justified in confirming the amount of compensation awarded against the appellants. Having heard the parties and perused the records, we are of the view that on the question of payment of compensation both courts have concurrently found that the appellants are liable to pay compensation as they were guilty of negligence and we do not find any infirmity in the finding recorded by the two forums, as such it is not possible to interfere with the same.

Learned counsel next submitted that in any view of the matter, the State Commission was not justified in awarding interest at the rate of 18 per cent per annum. Having considered all the pros and cons of the matter, we are of the view that in the facts and circumstances of the case, the claimants are entitled to interest at the rate of 10 per cent and not 18 per cent.

..3/-

Accordingly, the appeal is allowed in part and the impugned

orders in relation to interest are modified and the appellants are directed to pay interest at the rate of 10 percent instead of 18 per cent as directed by the State Commission.

No costs.

.....J
[B.N. AGRAWAL]

.....J
[A.K. MATHUR]

NEW DELHI,
MARCH 21, 2006.