

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 8375-8376 OF 2002

RAMA KANT BHARADWAJ

Appellant (s)

VERSUS

HARYANA STATE IND. DEV.CORP.LTD. & ANR.
(With prayer for interim relief

Respondent(s)

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

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s) Mr. S.R. Singh, Sr. Adv.
Mr. Yash Pal Dhingra, Adv.

For Respondent(s) Mr. Ravindra Bana, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeals are dismissed with no order as to costs.

[Charanjeet Kaur]
Court Master

[M.S. Negi]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8375-8376 OF 2002

Rama Kant Bharadwaj

.. Appellant(s)

Versus

Haryana State Industrial Development
Corporation Ltd. & Anr.

.. Respondent(s)

ORDER

These two appeals by special leave, are directed against orders dated 4th January, 2000 and 31st August, 2000 passed by the National Consumers Disputes Redressal Commission, New Delhi (for short, "the National Commission") in F.A. No. 240 of 1998. By the impugned orders, the Commission has directed the Haryana State Industrial

Development Corporation (hereinafter referred to as "the Corporation") to charge from the appellant the same rate of interest viz. @ 15.5 per cent per annum, as was being charged from other allottees of Industrial sheds in the Industrial area, Punchkula. The said interest is payable even after January, 1988 till the appellant makes the final payment. On payment of the total amount due along with interest at the said rate of interest, the Corporation has been directed to execute the conveyance deed in favour of the appellant within four weeks from the date of the said order.

We have heard learned counsel for the parties.

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CAs.8375-8376/2002...contd...

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At the outset, it is submitted by learned counsel appearing on behalf of the appellant that the dispute surviving for consideration in these appeals is only with regard to the manner of computation of interest by the Corporation in terms of the direction issued by the National Commission. In nutshell, the grievance is that the manner in which interest has been calculated by the Corporation, amounts to charging compound interest whereas the direction by the Commission is to charge simple interest.

Learned counsel appearing on behalf of the Corporation, on the other hand, while repudiating the stand of the appellant, would submit that during the pendency of the appeal before the National Commission vide order dated 31st August, 1999, the Commission had directed the Corporation to file an affidavit furnishing the details of cost of the shed with simple interest with cut-off date as 31st January, 1988. Pursuant to the said direction, a complete statement of amount due from the appellant, in a tabulated form, was filed with a supporting affidavit by the Senior Manager of the Corporation. It is asserted that the National Commission felt satisfied with the information so furnished and vide order dated 4th January 2000 disposed of the appeal accordingly. It is pointed out that instead of

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CAs.8375-8376/2002...contd...

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making payment in terms of the said order, the appellant preferred an application before the National Commission praying for appropriate action against the Corporation for non-compliance with order dated 4th January, 2000. However, the said application was dismissed by the National Commission vide order dated 31st August, 2000. Learned counsel thus, contents that the National Commission having recorded its satisfaction with regard to the computation of interest forming part of the total amount due from the appellant, the appeal merits dismissal.

Having bestowed our anxious consideration to the entire matter, we are of the opinion that there is no merit in the appeal. We find that on receipt of demand notice issued by the Corporation pursuant to the final order passed by the National Commission on 4th January, 2000, on 27th March, 2000, the appellant filed an application before the Commission complaining that the details of calculations furnished by the Corporation show that they had charged compound interest, which was in violation of the said final order. Accordingly, the appellant prayed for action against the Corporation under Section 27 of the Consumer Protection Act. As noted earlier, the said application was dismissed by the Commission, meaning thereby that the Commission did not

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CAs.8375-8376/2002...contd...

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find any violation of their order. The National Commission having recorded its satisfaction with regard to the amount due from the appellant, particularly on the rate of interest, we do not find it to be a fit case for exercise of our jurisdiction under Article 136 of the Constitution.

There is thus, no merit in the appeals. These are dismissed accordingly with no order as to costs.

.....J.
[D.K. JAIN]

.....J.
[B. SUDERSHAN REDDY]

NEW DELHI,
APRIL 29, 2009.