

ITEM NO.120

COURT NO.7

SECTION XVII

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). 445 OF 2004

M/S. LEATHEROID PLASTICS PVT. LTD.

Appellant (s)

VERSUS

CANARA BANK

Respondent(s)

(With office report)

Date: 20/01/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Y.P.Singh, Adv.
Mr. C.Siddharth, Adv.
Ms. P.Purnima, Adv.for
Mr. Debasis Misra,Adv.

For Respondent(s) Mr.A.N.Tiwari, Adv.for
Mr. Balraj Dewan,Adv.

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

The Appeal is allowed in terms of the signed order
and the matter is remanded to the National Commission to
consider the case on merits afresh in accordance with law,
expeditiously. No costs.

(Parveen Kr. Chawla)
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. 445 OF 2004

M/s Leatheroid Plastics Pvt. Ltd.

..Appellant

versus

Canara Bank

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned

order of the National Consumer Disputes Redressal Commission, New Delhi (for short 'the National Commission') dated 22nd August, 2003.

The National Commission has dismissed the claim petition of the appellant on the ground that the appellant is not a consumer after the amendment to Section 2(d)(ii) of the Consumer Protection Act, 1986 (for short 'the Act').

Learned counsel for the appellant submitted that the amendment to Section 2(d)(ii) came into force only on 15th March, 2003 whereas the claim of the appellant relates to the year 2001. He submitted that the amendment does not have retrospective effect. This controversy is covered by a two Judge Bench decision of this Court in Karnataka Power Transmission Corporation & Another vs. Ashok Iron Works Private Limited reported in (2009) 3 SCC 240.

Accordingly, this appeal is allowed; impugned judgment of the National Commission is set aside and the

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matter is remanded to the National Commission to consider the case on merits afresh in accordance with law, expeditiously. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JANUARY 20, 2010

.....J.
[T.S. THAKUR]