

REVISED

ITEM NO.101

COURT NO.13

SECTION XVII-A

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Civil Appeal No(s). 6439/2008

M/S RAJ CELLO CHEM PRODUCTS P.LTD.

Appellant(s)

VERSUS

PUNJAB & SIND BANK & ANR.

Respondent(s)

WITH

C.A. No. 588/2009 (XVII-A)

**(FOR STAY APPLICATION ON IA 2/2008 FOR ON IA 87298/2008 FOR
STAY APPLICATION ON IA 3/2009)**

Date : 15-01-2020 This appeal was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY**

For Appellant(s) Mr. Kamal Mohan Gupta, AOR (NP)

Mr. Salil Paul, Adv.

Mr. Sahil Paul, Adv.

Ms. Manjeet Chawla, AOR

For Respondent(s)

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

**Both the appeals are dismissed in terms of the corrected
signed order.**

**The amount of Rs.5,00,000/- deposited before the National
Consumer Disputes Redressal Commission along with the accrued
interest, if any, shall be released in favour of the appellant,
M/s. Raj Cello Chem Products P. Ltd.**

Pending applications, if any, stand disposed of accordingly.

**(GULSHAN KUMAR ARORA)
COURT MASTER**

**(R.S. NARAYANAN)
COURT MASTER**

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6439 OF 2008

M/S RAJ CELLO CHEM PRODUCTS P.LTD.

... Appellant(s)

VERSUS

PUNJAB & SIND BANK & ANR.

... Respondent(s)

WITH

CIVIL APPEAL NO. 588 OF 2009

O R D E R

The compensation awarded at Rs.5,00,000/- (Rupees five lac only) under the head of deficiency of service need not be interfered with inasmuch as the same is just and proper. The second issue is a seriously disputed question of fact. The appellant, M/s. Raj Cello Chem Products P. Ltd. relies upon certain documents to show that there was escalation of prices and rent was paid by it to the Madhya Pradesh Financial Corporation etc. Such question was rightly not dealt with by the National Consumer Disputes Redressal Commission by observing that it is open for the appellant to approach the civil court for appropriate decision since it is a seriously disputed question of fact which is to be decided by adducing detailed evidence. In our considered opinion, the National Consumer Disputes Redressal Commission is justified in declining to grant the relief in favour of the appellant in respect of the second issue. Hence, no interference is called for. Both the appeals are dismissed.

The amount of Rs.5,00,000/- deposited before the National Consumer Disputes Redressal Commission along with the accrued interest, if any, shall be released in favour of the appellant, M/s. Raj Cello Chem Products P. Ltd.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(R. Subhash Reddy)

New Delhi;
January 15, 2020

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R E C O R D O F P R O C E E D I N G S

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UPON hearing the counsel the Court made the following
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Both the appeals are dismissed in terms of the signed order.

The amount of Rs.5,00,000/- deposited before the National
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M/s. Raj Cello Chem Products P. Ltd.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)