

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 9696 OF 2011**

**CHAIRMAN KISAN SAHKARI CHINI MILLS LTD. APPELLANT(S)**

**VERSUS**

**POST MASTER GENERAL BAREILLY & ORS. RESPONDENT(S)**

**ORDER**

The present appeal has been preferred by the appellant/complainant assailing the order dated 18.04.2011 of the National Consumer Disputes Redressal Commission, New Delhi (for short 'the National Commission') pursuant to which the interest payable to the appellant was confined to @ 6% per annum over the amount of Rs.1,40,85,000/- which was invested in the provident fund trust account with the post office for the period 25.09.1993 to 25.01.1997.

The National Commission, after examining the material on record, arrived to a conclusion that there was a deficiency in service

on the part of the respondents and directed the respondents to pay interest @ 6% per annum on the deposited amount from the date of deposit till the date of payment.

The complaint was filed at the instance of the complainant before the National Commission was on the premise that they were entitled for interest @ 12.5% per annum, which is the rate of interest ordinarily paid by the post office on the term deposits made but this fact has not been considered by the National Commission while awarding the interest under the order impugned limiting it to 6% per annum qua the deposits made by the appellant which was not disputed by the respondents.

After the notice came to be served, counter affidavit has been filed by the respondent(s) and it has been stated in Para '9' therein that instead of Rs.47,88,055/-, a total sum of Rs.99,24,668/- was made over to the appellant by Cheque No. 137263 dated 08.09.2011, and thus an excess amount of Rs. 51,36,613/- was erroneously made over to the appellant.

The extract of Para 9 of the counter affidavit is reproduced hereunder:-

"9. ***As an act of grace***, the respondent decided to make the said payment and did not file any appeal. The interest calculation sheet @ 6% was forwarded to Regional Office, Bareilly for complying with the said judgment and

order of the National Commission. The payment was accordingly made to the appellant through cheque drawn on State Bank of India, Town Hall, branch Shahjahanpur *vide* Cheque No.137263 dated 08-09-2011. However, due to erroneous calculations made inadvertently by the respondents, payment of Rs.99,24,668/- was made instead of Rs.47,88,055/- and thus, an excess amount of Rs.51,36,613/- was paid erroneously to the appellant.”

After we have heard the learned counsel for the parties and taking into consideration the peculiar facts and circumstances of the case and where the money admittedly remained deposited in the Post Office for a period between 25.09.1993 to 25.01.1997 and had been made over to the appellant after its maturity and taking into consideration the rate of interest which is ordinarily paid by the Post Office in the term deposit scheme for five years, we are of the view that the payment which has been made over by the respondents, of which a reference has been made under para ‘9’ of the counter affidavit, may be considered to be the payment towards interest in full and final payment to the appellant and no recovery shall be made from the appellant in reference to payment already made towards the component of interest, as stated hereinabove.

Accordingly, the appeal stands disposed of with a direction that the money paid towards the element of interest on deposits stands adjusted and no further recovery shall be made from the appellant qua the payment already made of which a reference has been made in

para '9' of the counter affidavit.

Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(AJAY RASTOGI)**

.....**J.**  
**(B.V. NAGARATHNA)**

**NEW DELHI;**  
**JUNE 01, 2022.**

ITEM NO.102

COURT NO.2

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). 9696/2011

CHAIRMAN KISAN SAHKARI CHINI MILLS LTD.

APPELLANT(S)

VERSUS

POST MASTER GENERAL BAREILLY &amp; ORS.

RESPONDENT(S)

Date : 01-06-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Appellant(s) Mr. Prakash Kumar Singh, AOR  
Ms. Purnima Jauhari, Adv  
Mr. Sujit, Adv  
Ms. Pooja Singh, Adv  
Mr. Aditya Singh, Adv  
Ms. Seema P., Adv.

For Respondent(s) Ms. Aishwarya Bhati, LD. ASG  
Mr. Gurmeet Singh Makker, AOR  
Mr. Chandra Prakash, Adv.  
Mr. Rajan Kr.Chourasiya, Adv.  
Mr. Rajeev K.Ranjan, Adv.  
Mr. Arvind Kumar Sharma, AOR

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

Appeal stands disposed of in terms of the signed order with a direction that the money paid towards the element of interest on deposits stands adjusted and no further recovery shall be made from the appellant qua the payment already made of which a reference has been made in para '9' of the counter affidavit.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file.)