

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 5436 of 2019
(@ SLP(C) No. 9370/2019)

IndusInd Bank Limited & Anr.

Appellant(s)

Versus

Simarjit Singh

Respondent(s)

ORDER

Leave granted.

The appeal arises from an interim order of the National Consumer Disputes Redressal Commission¹ dated 26 February 2019 by which the appellant was required to deposit the entire principal amount (Rs. 40,00,000) before the State Consumer Disputes Redressal Commission² and to pay an amount of Rs 10,000 to the respondent by way of a demand draft within a period of four weeks, failing which the stay of the judgment of the SCDRC would stand vacated.

The appellant has moved these proceedings, submitting before the Court that it has a fundamental objection to the jurisdiction of the District Consumer Disputes Redressal Forum³ to entertain the consumer complaint and consequently, all subsequent proceedings are a nullity. Moreover, it has been submitted that the appellant is a bank and there is no justification to direct the deposit of the entire principal sum in the matter.

1 “NCDRC”

2 “SCDRC”

3 “District Forum”

In pursuance of the notice issued by this Court on 16 April 2019, the respondent has appeared in person. He has submitted that the NCDRC had directed the payment of Rs 10,000 to him within four weeks. Since the payment has not been made, it has been submitted, that the stay stands vacated. Moreover, it has been submitted that a statement was incorrectly made in the Special Leave Petition to the effect that an amount of Rs 10,000 has been paid.

In regard to the objection of the respondent, it may be noted that on 16 April 2019, leave to amend the Special Leave Petition was granted to the appellant following which an amended petition has been filed. Mr. Jayant Muth Raj, learned Senior Counsel appearing on behalf of the appellant states that the amendment was occasioned on account of the fact that an erroneous statement was made in the Special Leave Petition that an amount of Rs 10,000 has been paid to the respondent. Since the factual position is that the said amount was not paid to the respondent, learned Senior Counsel appearing on behalf of the appellant fairly states that instead of the amount of Rs 10,000 directed by the NCDRC, an enhanced sum of Rs 30,000 shall be paid to the respondent within a period of two weeks from the date of receipt of a certified copy of this order. We accept the statement and condone the delay in deposit.

Insofar as the interim order of deposit is concerned, we are of the view that the ends of justice would require a modification in the order. We direct that the appellant shall maintain a separate account of the entire principal sum and abide by such directions as may be passed in regard to the disbursement of the interest accrued, if upon the conclusion of the proceedings, any amount is found due and payable to the respondent. We request the NCDRC to expedite the disposal of the proceedings and to endeavor to do so within a period of four months from the

receipt of a certified copy of this order.

The order passed by the NCDRC shall stand modified to the aforesaid extent.

The appeal is accordingly disposed of.

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

.....J.
(Dr. Dhananjaya Y. Chandrachud)

.....J.
(Indira Banerjee)

New Delhi
July 12, 2019

ITEM NO.50

COURT NO.10

SECTION XVII

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

Petition(s) for Special Leave to Appeal (C) No(s). 9370/2019

(Arising out of impugned final judgment and order dated 26-02-2019 in RP No. 187/2019 passed by the National Consumers Disputes Redressal Commission, New Delhi)

INDUSIND BANK LIMITED & ANR.

Petitioner(s)

VERSUS

SIMARJIT SINGH

Respondent(s)

Date : 12-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. Jayant Muth Raj, Sr. Adv.
Mr. M. Yogesh Kanna, AOR

For Respondent(s)

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

Leave granted.

The appeal is disposed of in terms of the signed order.

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

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)