

(2008) 04 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

BRIJENDRA PRATAP SINGH

APPELLANT

Vs

ORIENTAL INSURANCE CO LTD

RESPONDENT

Date of Decision : 15-04-2008

Acts Referred:

Citation : 2008 3 CPJ 155

Hon'ble Judges : K.S.Gupta , S.K.Naik J.

Advocate : A.K.Raina , S.K.Sharma

Judgement

1. -CONTROVERSY in this revision against the order dated 5. 8. 2003 of M. P. State Consumer Disputes Redressal Commission, Bhopal centres around the entitlement of the petitioner to interest on the salvage amount. Orders of State Commission dated 18. 5. 2001 passed in Appeal No. 1869/2000 against the order dated 20. 11. 2000 of a District Forum and dated 29. 11. 2002 of this Commission made in R. P. No. 1851 of 2001 against the said order dated 18. 5. 2001 have relevance in the matter. Order of District Forum dated 20. 11. 2000 passed in Complaint Case No. 237 of 1998 filed by the petitioner was modified by the State Commission vide order dated 18. 5. 2001 to the effect that out of the amount of Rs. 3,25,000 after deduction of Rs. 1,15,000 paid to the financier, the petitioner is entitled to Rs. 1,75,000 which will be paid by the respondent-Insurance Company on deposit of salvage by the petitioner. On failure to deposit the salvage, the Insurance Company was entitled to deduct amount of Rs. 1,15,000 being salvage value from said payable amount petitioner was further held to be entitled to interest @ 9% p. a. from 31. 7. 1998 on the amount of Rs. 3,25,000 till the date of payment of Rs. 1,50,000 to the financier i. e. , 27. 3. 2000 and thereafter on the balance amount of Rs. 1,75,000 from 27. 3. 2000. In case, the said amount was not paid along with cost within two months from the date of receipt of certified copy of the order by the Insurance Company the interest was payable @ 12% p. a. In aforesaid revision filed by the petitioner, this Commission did not interfere with the said order of State Commission and directed that salvage be returned on 18. 12. 2002 by the petitioner to the Insurance Company at Satna. In afore-mentioned order dated 5. 8. 2003 in

execution proceedings the date of deposit of salvage is erroneously noted as 23. 10. 2002. In this order the State Commission while declining to award interest on Rs. 1,15,000 being salvage value has noticed that there was no direction to pay interest on salvage value in the aforesaid order dated 18. 5. 2001. Having heard parties, learned Counsel and having considered the order dated 18. 5. 2001, no fault can be found with the order of State Commission holding the petitioner not to be entitled to interest on the said salvage amount. Revision is, therefore, dismissed leaving the parties to bear their own cost. Revision Petition dismissed.