
(2000) 02 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

Federal Bank Ltd.

APPELLANT

Vs

National Insurance Company Ltd.

RESPONDENT

Date of Decision : 02-02-2000

Acts Referred:

Citation : 2000 3 CPJ 302 : 2001 1 CLT 366 : 2001 1 CPC 226 : 2001 1 CPR 58

Hon'ble Judges : L.Manoharan , K.M.Latha , R.Vijayakrishnan J.

Final Decision : Complaint returned

Judgement

1. IN view of the contention raised by the opposite parties in Para 3 of their version that since the value of the relief exceeds the pecuniary jurisdiction of this Commission, this Commission has no jurisdiction to entertain the complaint, and has also filed a statement showing the value of the relief claimed Rs. 20,72,248/- complaint was posted for considering the question of jurisdiction.

2. IT is submitted by the learned Counsel for the opposite parties that the value of the relief claimed has to be assessed adding the interest on the principal amount also, and the amount so arrived at should be treated as the value of the relief as on the date of the complaint, when the value is so assessed according to the learned Counsel, the value being Rs. 20,72,248/-, this Commission does not have pecuniary jurisdiction to entertain the complaint as per Section 17(a)(i) of the Consumer Protection Act, 1986. On the other hand the learned Counsel for the complainant maintained that since the principal amount claimed is only Rs. 11,03,788/-, the value of the relief should be treated as the said amount, that being the position the complaint is entertainable before this Commission. The first relief in the complaint is to pass an order directing the opposite party to pay an amount of Rs. 11,03,788/- with interest at 18% from September, 1994 till the date of payment as well as compensation. The argument of the learned Counsel for the complainant cannot be accepted because for the purpose of jurisdiction the valuation of the relief must be as on the date of the institution. The first relief is for the principal amount of Rs. 11,03,788/- with interest at 18% from September 1994. Therefore, the value of the first relief must be the principal

mentioned above alongwith interest at 18% from September, 1994 till the institution of the complaint, that is 15.7.1999. Sufficient indication is there from the wording of Section 17(a)(i) of the Act itself wherein it is enjoined that where the value of the goods or service and the compensation is Rs. 5,00,000/- and above but does not exceed Rs. 20,00,000/-, the complaint has to be filed before the State Commission. Since the value has to be assessed alongwith the compensation, in the context the claim of interest has to be also reckoned in deciding the value of the relief. When such is the position, as noted, statement filed since the value exceeds Rs. 20,00,000/-, this Commission does not have the pecuniary jurisdiction to entertain the same. At this stage the Counsel submits he would file an application for amending the relief portion. All that to be said is no such application having been filed, we need not consider the merits of such an application. In view of the above the complaint cannot be entertained before this Commission, consequently the complaint is returned for presentation before the proper Forum. Complaint returned.