
(2000) 01 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

RAMESHWAR LAL SHARMA

APPELLANT

Vs

Regional Manager, United India Insurance Co. Ltd.

RESPONDENT

Date of Decision : 11-01-2000

Acts Referred:

Citation : 2000 1 CPC 650 : 2000 2 CPR 346 : 2000 3 CPJ 249

Hon'ble Judges : N.S.Singh , P.Syiems , R.K.Bawri J.

Final Decision : Petition disposed of as infructuous

Judgement

1. HEARD Mr. S.P. Sharma, learned Counsel for the complainant and Mr. V.K. Jindal for the respondents.

2. IN this petition under Section 25 read with Section 27 of the Consumer Protection Act, 1986, the complainant/petitioner made a prayer for enforcement of the related judgment and order dated 31.5.1997 passed by this Commission in C.P. No. 8(M) 94. It is argued by Mr. Sharma, learned Counsel for the complainant that the respondents did not implement the related order passed by the Commission in the above-mentioned case and the respondents had failed to settle the claim within the stipulated period given by the Commission, i.e. 2 (two) months thus flouting the order of the Commission in respect of the settlement of the claim of the complainant. Mr. Sharma, learned Counsel also argued that necessary order and direction be made from the end of this Commission directing the respondents to pay the claim amount of Rs. 9,00,589.56 only to the complainant/petitioner together with interest at the rate of 18% per annum from the date of submission of the claim petition with a cost of Rs. 3,000/-. At the hearing, Mr. V.K. Jindal, learned Counsel appearing for the respondents submitted that the respondents had duly complied with the related order passed by the Commission. Supporting the case of the respondents, Mr. V.K. Jindal has drawn our attention to a document marked as Annexure II of the Misc. Petition which is the office letter/order dated 17.6.1997 issued by the Competent Authority of the United India Insurance Co. Ltd. and submitted that this letter of 17.6.1997 shows the factum of the implementation of the related

judgment and order dated 31.5.1997 passed by this Commission. It is also argued by Mr. V.K. Jindal that the case of the petitioner was examined by the respondents by taking into account of the survey reports made by M/s. I. Sharma and Associates, Surveyor and Assessor and also the survey reports of two Surveyors namely, S. Das Purkayastha and G.S. Bhattacharjee, Surveyor/Loss Assessor, as seen in the document marked as Annexure III to the Original Complaint Petition No. 8(M) 94 and Annexure A and Annexure B to the show cause statement in connection with Misc. Petition No. 1(M) 99 and, as such, the present petition has become infructuous.

It is the case of the petitioner/complainant that he is entitled to a sum of Rs. 9,00,589.56 together with interest at the rate of 18% per annum as compensation and damages and the matter was examined by this Commission and the Commission made the following order : "We have given our anxious consideration on the matter. The connected records were already submitted by the CBI as far back as on 1994. There is no such order or direction from any Authority concerned for not disposing the claim of the complainant. The opposite party under the law are duty bound to dispose of the claim of the complainant within a reasonable time. There is no valid reason for not disposing of the claim petition of the complainant for a considerable period of time. We accordingly order the opposite parties to dispose of the claim petition of the complainant within two months from receipt of the certified copy of this order. If the complainant is aggrieved by any of such decisions of the opposite party, he may seek remedy in the appropriate Forum in accordance with law. The application is disposed of accordingly. A cost of Rs. 3,000/- is imposed on the opposite party, Insurance Company."

A bare perusal of the document marked Annexure II to the Misc. Petition established the factum of the implementation of the related order passed by this Commission inasmuch as, the complainant/petitioner was requested by the respondents to attend the office of the letter at the earliest so as to enable the respondents to release the payment against proper acknowledgement. So, in our considered view, there is no laches or delay in implementing the related order passed by the Commission on 31.5.1997. Annexure VI is the decision/order of the United India Insurance Co. Ltd. pertaining to the total computation worked out for the purpose of compensation to the tune of Rs. 73,088 thus computing and counting the period from 13.9.1994 to 17.6.1997, i.e. 1011 days.

3. UPON hearing the learned Counsel for the parties and also on perusal of the available materials on record, we are of the view that this petition has become infructuous and accordingly, the same is disposed of as infructuous. Despite the disposal of this petition, we are constrained to make the following observations and directions considering the nature of the case by invoking the provisions of law laid down under Sections 14, 17 read with Section 18 of the Consumer Protection Act, 1986.

4. IN a catena of cases, the National Commission awarded the interest at the

rate of 18% p.a. in similarly situated cases. We may cite some decisions/ judgments rendered by the National Commission reported in 1992 CPC 590 (NC); 1993 (1) CTJ 469 (NC); and 1997 NCJ 37 (NC). For the purpose of computation of the period for which interest to be awarded, we hold that the following period would be reasonable and justified. From 29th August, 1994, i.e. the date of filing of the complaint before this Commission to 17th June, 1997, i.e. the date on which the United INdia INsurance Co. Ltd. wrote a letter to the complainant/petitioner requesting him to attend the office of the Company at the earliest so as to enable the Company in releasing the payment against proper acknowledgement. Accordingly, we direct the respondents/opposite parties to make payment of interest at the rate of 18% p.a. for the aforementioned period to the complainant/petitioner and also the said principal amount of Rs. 60,100/- only alongwith the cost awarded and the same shall be done within a period of one month from today. Petition disposed of as infructuous.