

(2003) 04 NCDRC CK 0101

In the National Consumer Disputes Redressal Commission

SHAHBAD COOPERATIVE SUGAR MILLS LTD.

APPELLANT

Vs

National Insurance Co. Ltd.

RESPONDENT

Date of Decision : 02-04-2003

Acts Referred:

Citation : 2003 0 CTJ 453 : 2003 2 CPC 68 : 2003 2 CPJ 81 : 2003 2 CPR 36

Hon'ble Judges : K.S.Gupta , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Appeal allowed

Judgement

1. THIS appeal by the complainant is directed against the order dated 8.8.2002 of State Consumer Disputes Redressal Commission, Haryana at Chandigarh whereby the complaint was disposed of with liberty reserved to the appellant to approach this Commission, holding that if interest is allowed at the rate of 18% per annum on the amount of Rs. 18,33,000/-, the amount would exceed Rs. 20 lakhs for which it has no pecuniary jurisdiction.

2. WE have heard Mr. Vinay Garg for appellant and Mrs. Sonia Sharma for respondents. Complaint (at pp 17-36) was filed with the following prayer : "It is, therefore, respectfully prayed that the complaint be allowed and the opposite parties be directed to pay the claim to the tune of Rs. 18,33,000/- plus interest @ 18% from the date of claim till its realization. Also the suitable damages caused to the complainant be ordered to be paid to the complainant."

Bare reading of the prayer made would show that the interest claimed by appellant pertains to the period upto the date of filing complaint, pendente lite and future. Rate and the period for which interest has to be allowed, is within the discretion of State Commission and the stage for exercise of such a discretion would be the time when the complaint is finally disposed of. Thus, the State Commission had acted erroneously in adding to the amount of Rs. 18,33,000/- the interest at the rate of 18% per annum thereon till date of filing of complaint for the purpose of determination of pecuniary jurisdiction before reaching the said stage. Order under appeal, therefore, deserves to be set aside. However, in view of change in pecuniary jurisdiction w.e.f. 15.3.2003, the complaint is now to

be dealt with by the District Forum instead of State Commission.

3. ACCORDINGLY, while accepting appeal, the order dated 8.8.2002 is set aside. On complaint being returned by the State Commission, the appellant is permitted to file it before the appropriate District Forum for being decided on merits in accordance with law. No order as to costs. Appeal allowed.