
(1997) 09 NCDRC CK 0063

In the National Consumer Disputes Redressal Commission

SHIMLA WATCH CO

APPELLANT

Vs

NEW INDIA ASSURANCE CO.LTD

RESPONDENT

Date of Decision : 18-09-1997

Acts Referred:

Citation : 1997 3 CPJ 220

Hon'ble Judges : P.N.Nag , I.D.Bali J.

Final Decision : Case transferred

Judgement

1. BY this complaint, the complainant has claimed an amount of Rs. 4,12,130/- for the loss suffered by it in the theft/burglary and Rs. 50,000/- towards compensation for harassment, torture, loss of business esteem etc. In other words, he has claimed Rs. 4,62,130/- as compensation. Besides this amount, the complainant has claimed interest @ 24% per annum from the date of theft till actual payment and costs of Rs. 10,000/-. In case, the interest and costs prayed for by the complainant are also taken into consideration along with other relief(s), the amount would exceed Rs. 5.00 lakhs and as such, the complaint has been filed before the State Commission and not before the District Forum.

2. IN terms of Section 11 of the Consumer Protection Act, 1986, pecuniary jurisdiction of the Forums would depend upon the quantum of compensation claimed in the petition. Section 11 clearly stipulates that the District Forum has jurisdiction to entertain the complaint where the value of the goods or services and the compensation, if any, claimed does not exceed rupees five lakhs. For determining the question of jurisdiction, obviously the costs and interest part, as prayed for by the complainant, cannot be taken into consideration. Only the amount of compensation claimed by the complainant shall be the test for determining the jurisdiction. Since in this case, as stated above, the compensation for an amount of Rs. 4,62,130/- has been claimed, only the District Forum has the jurisdiction in the matter, as the amount does not exceed rupees five lakhs. The complaint should have been filed before the District Forum and not before the State Commission. The case is, therefore, transferred to the

District Forum, Shimla and the parties are directed to appear before the District Forum on 23.9.1997. The District Forum will decide the case in accordance with the law. Case transferred.