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(2000) 11 SC CK 0140

In the Supreme Court Of India

Case No : Civil Appeal No: 7132 of 1999

Topline Shoes Ltd. and Another — APPELLANT

Vs

Corporation Bank and Another — RESPONDENT

Date of Decision : 21-11-2000

Acts Referred:
Consumer Protection Act, 1986 - Sec 22, Sec 21, Sec 23

Citation : (2001) 89 FLR 15 : (2001) 2 JT 628 : (2001) 1 LLJ 154 : (2001) 10 SCC 611

Hon'ble Judges : S. Rajendra Babu, J;S. N. Variava, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S. Rajendra Babu J.-In this appeal the appellants are calling in question an order made by the National Consumer Disputes Redressal Commission (for short "the Commission") by which it declined to adjudicate the grievance raised by the appellants by stating that it was not an appropriate forum.

2. It is brought to our notice by the learned counsel for the respondent Bank that a proceeding is pending before the Debts Recovery Tribunal at Ahmedabad (for short "the Tribunal") against the appellant and the appellant brings to our notice that he has already made a counter-claim in that proceeding and both submit that the proceedings before the Commission and the Tribunal arise out of the same cause of action. If that is so, appropriate course for the appellant would be to pursue the remedy before the Tribunal rather than the remedy before the Commission. Perhaps bearing this aspect in view the Commission has passed the order under appeal. In that view of the matter, we think it appropriate not to interfere with the order made by the Commission. The appeal is therefore dismissed.

3. However, we make it clear that it would be appropriate for the Tribunal to dispose of the matter as expeditiously as possible.

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