

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4006 OF 2020
(Arising out of Diary No.12976 of 2020)

UNITED INDIA INSURANCE CO. LTD. ...APPELLANT

VERSUS

M/S. SEL MANUFACTURING CO. LTD. ...RESPONDENT

ORDER

Delay condoned.

This appeal is directed against the order dated 01.10.2019 passed by the National Consumer Disputes Redressal Commission, New Delhi (“the National Commission” for short) in Consumer Case No.2805 of 2018, which order was to the following effect:-

“Opposite Party stands served on 01.07.2019. Learned counsel for the Opposite Party seeks permission to file vakalatnama during the course of the day. Allowed.

No written statement has been filed within the statutory period. Right of Opposite Party to file written statement is closed.”

Evidence by way of affidavit be filed by the complainant within eight weeks.

List for directions on 19.08.2020.”

While issuing notice in the matter, this Court directed the appellant to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) in the Registry of this Court. Accordingly, the amount in question has been deposited by the appellant.

We have heard Mr. Amit Kumar Singh, learned Advocate for the appellant and Ms. Misha, learned Advocate representing respondent (through IRP as the requisite proceedings under the Insolvency and Bankruptcy Code are presently pending against M/s. SEL Manufacturing Co. Ltd.)

It is accepted by the learned counsel appearing for the parties that the effect of the judgment of the Constitution Bench of this Court¹ was specifically directed to be prospective in nature and that the order passed by the National Commission closing the right of the present appellant to file written statement was not consistent with said decision of this Court.

In the circumstances, we allow this appeal, set-aside the order passed by the National Commission and direct that (i) the written statement filed by the appellant shall be taken on record; and, (ii) the matter shall thereafter be proceeded with in accordance with law.

¹ New India Assurance Company Limited : (2020) 5 SCC 757

The sum of Rs.5,00,000/- deposited in the Registry of this Court pursuant to the interim order passed by this Court shall now be transmitted to the Registry of the National Commission, which may then be given to the credit of the respondent.

With the aforesaid observations, this appeal is allowed, with no order as to costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
DECEMBER 08, 2020

