

ITEM NO.9 Court 6 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.11333/2020

(Arising out of impugned final judgment and order dated 10-07-2020 in RP No. 886/2013 passed by the National Consumers Disputes Redressal Commission, New Delhi)

EXPORT CREDIT GUARANTEE CORPORATION OF
INDIA LTD. & ANR.

Petitioner(s)

VERSUS

M/S S.K. INTERNATIONAL

Respondent(s)

(FOR I.R.)

Date : 18-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Bharat Sangal, Sr. Adv.
Mr. Nagarkatti Kartik Uday, AOR
Ms. Anindita Deka, Adv.
Ms. Babita Kushwaha, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr Bharat Sangal, learned counsel for the petitioners submits that the interpretation placed on the terms of the insurance policy by the impugned order needs to be revisited by this court.

- 2 In the facts and circumstances of the present case, without the court being required to express an opinion on the correctness of the interpretation placed on the terms of the insurance policy by the National Consumer Disputes Redressal Commission, a case has not been made out for interference under Article 136 of the Constitution. This is in view of the fact that there is a concurrent finding of fact that the insurer was at all material times kept apprised by the insured about the steps which were being taken for the recovery of the dues from the foreign party. Hence, in view of the finding of fact, the interference of this court under Article 136 of the Constitution is not warranted.
- 2 The judgment of the NCDRC is being affirmed only in view of the facts as they have merged from the documentary evidence on record.
- 3 The Special Leave Petition is dismissed.
- 4 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master