

ITEM NO.3 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  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).107/2021

(Arising out of impugned final judgment and order dated 24-07-2020 in FA No. 413/2014 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S. M.S. MANUFACTURING CO.

Petitioner(s)

VERSUS

THE NEW INDIA ASSURANCE COMPANY LTD. & ORS.

Respondent(s)

(WITH IA No.1034/2021-EXEMPTION FROM FILING O.T.)

Date : 28-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Sumeet Shokeen, Adv.  
Mr. Shantanu Kumar, AOR

For Respondent(s)

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

- 1 Mr Sumeet Shokeen, learned counsel appearing on behalf of the petitioner, has adverted to the cross-examination of the petitioner (Annexure P-29) before the State Consumer Disputes Redressal Commission to submit that, as a matter of fact, the VAT returns for the three quarters commencing from 1 April 2012 and ending on 31 December 2012 were duly produced before the surveyor. Hence, it has been submitted that there could have been no ground to reject the claim on the ground that there was a variation in the stock position.

- 2 Moreover, it has been submitted that the policy in question was taken on a reinstatement basis and, hence, there was no reason to apply a depreciation factor in evaluating the claim.
- 3 Issue notice, returnable in twelve weeks.
- 4 Dasti, in addition, is permitted.
- 5 Counter affidavit shall be filed within six weeks from the date of service.
- 6 Rejoinder, if any, be filed within four weeks thereafter.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**