

1.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1288 OF 2020
[@ SPECIAL LEAVE PETITION (CIVIL) NO.19670 OF 2016]

SUBODH NIGAM (DEAD)
THR. LRS.SUSHILA NIGAM & ORS.

APPELLANT(S)

VERSUS

M/S. MARUTI UDYOG LTD.
THROUGH MANAGING DIRECTOR

RESPONDENT(S)

O R D E R

Leave granted.

The appellant assails the order dated 29.07.2015 of the National Consumer Disputes Redressal Commission directing refund of Rs.10,000/- (Rupees Ten Thousand only) to the appellant without interest on the same.

The appellant in 1985 booked a new Maruti Car by depositing Rs.10,000/-. Since the car remained undelivered, the appellant sought refund of the deposit. The respondent required the appellant to submit the original allotment card and the acknowledgement slip, which the appellant was unable to do, as he has misplaced the same by passage of time.

On 27.10.2004, the respondent required that if the original allotment card and the original acknowledgement slip was not available, and indemnity bond / affidavit was required to be submitted, which the appellant complied with. The amount still not having been refunded, he approached the District Forum, which directed him to furnish the original receipt/allotment card and thereafter refund was to be made with 12% simple interest from the date of booking.

The appeal preferred by the appellant was dismissed by the State Commission in Revision but the National Commission has directed refund without interest.

2.

We have heard learned counsel for the appellant. No one appears on behalf of respondent despite notice.

We modify the order of the National Consumer Disputes Redressal Commission to the extent that the booking amount paid by the appellant shall be treated as fixed deposit from the date of payment and interest payable by Nationalized Bank on such term deposit shall be paid by the respondent to the appellant till the date of actual payment.

The appeal stand disposed of in the aforesaid terms.

....., J.
(NAVIN SINHA)

....., J.
(KRISHNA MURARI)

NEW DELHI
FEBRUARY 10, 2020

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.19670/2016

(Arising out of impugned final judgment and order dated 29-07-2015 in RP No. 3693/2007 passed by the National Consumers Disputes Redressal Commission, New Delhi)

SUBODH NIGAM (DEAD)

THR. LRS.SUSHILA NIGAM & ORS.

Petitioner(s)

VERSUS

M/S. MARUTI UDYOG LTD.

THROUGH MANAGING DIRECTOR

Respondent(s)

Date : 10-02-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Shrish Kumar Misra, AOR
Mr. Ajay Kumar, Adv.
Ms. Deepika Mishra, Adv.
Mr. Bimlesh Pandey, Adv.

For Respondent(s)

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

Leave granted.

The appeal stands disposed of in terms of signed order.

Pending applications, if any, shall also stand disposed of.

(RACHNA)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file.)