

SUPREME COURT OF INDIA

Synco Industries

Vs.

State Bank of Bikaner and Jaipur

C.A.No.6453 of 2000

(S. P. Bharucha CJI., U. C. Banerjee and B. P. Singh JJ.)

15.01.2002

ORDER

1. The present appellants moved the National Consumer Disputes Redressal Commission alleging that the respondents had been guilty of deficiency in service in that they had, without good reason, frozen the sanctioned working facilities of the appellant without prior intimation. In this behalf, the appellant sought a direction to the first respondent to prepare a funding package to restart the appellant's oil division and to grant waiver of interest, damages in the sum of Rupees fifteen crores and an additional sum of Rupees sixty lakhs to cover cost of travelling, man days lost and other expenses incurred by the appellant in pursuing the matter with the respondents. The National Consumer Disputes Redressal Commission dismissed the complaint saying, "The complaint is against the bank, whether the bank is entitled to reduce the loan facilities or not. We do not consider it to be a fit case to be tried under the Consumer Protection Act. The Original Petition is dismissed. However, the complainant is at liberty to go (to) the Civil court or any other forum, if so advised".
2. Against this order of dismissal of the complaint, the appellant has filed this appeal and it has been referred to a Bench of three Judges because it was felt that the question raised was one of importance.
3. Given the nature of the claim in the complaint and the prayer for damages in the sum of Rupees fifteen crores and for an additional sum of Rupees sixty lakhs for covering the cost of travelling and other expenses incurred by the appellant, it is obvious that very detailed evidence would have to be led, both to prove the claim and thereafter to prove the damages and expenses. It is, therefore, in any event, not an appropriate case to be heard and disposed of in a summary fashion. The National Commission was right in giving to the appellant liberty to move the Civil Court. This is an appropriate claim for a Civil Court to decide and, obviously, was not filed before a Civil Court to start with because, before the Consumer Forum, any figure in damages can be claimed without having to pay court-fees. This, in that sense, is an abuse of the process of the Consumer Forum.
4. The Civil Appeal is dismissed, with costs in favour of the first respondent.

Appeal dismissed.