

Neeraj Munjal & Others

v.

Atul Grover

(Supreme Court Of India)

HON'BLE DR. JUSTICE A.R. LAKSHMANAN HON'BLE CHIEF JUSTICE
MR. V.N. KHARE HON'BLE MR. JUSTICE S.B. SINHA

C. A. No. 1920 of 1997 | 16-01-2003

1. The respondent herein filed a complaint before the National Consumer Disputes Redressal Commission, New Delhi (in short 'the Commission') for recovery of compensation from the appellants herein for deficiency in service. It appears when the matter came up before the Commission, the appellants and the respondent agreed for a consensual adjudication by an Arbitrator. Consequently, the Commission referred the matter to a retired Judge of the High Court for arbitration. It is not disputed that the Arbitrator gave an Award and the same was remitted to the Commission. The Commission, in terms of the Award, decided the complaint of the respondent. Aggrieved, the appellants have preferred this appeal.

2. We have heard learned counsel for the parties and are of the view that this case stand covered by a decision of this Court in Skypak Couriers Ltd. vs. Tata Chemicals Ltd., reported in 1986-2002 CONSUMER 6026(NS) : 2000(1) CCC 108 : 2000(5) SCC 294, wherein it was held that the complaint filed under Section 22 of the Consumer Protection Act requires the Commission to decide the matter in accordance with the evidence, documents and the respective case of the parties including the submission made before it and not by referring the matter to an Arbitrator by giving an Award. In view of the said decision, this appeal deserves to be allowed. Consequently, the judgment under challenge is set aside.

3. The Appeal is allowed. There shall be no order as to costs.

4. We may clarified that it will be open to respondent to enforce the Award under the provisions of the Arbitration and Conciliation Act, 1996. Any amount deposited by the appellants shall be refunded to them forthwith.