

SUPREME COURT OF INDIA

Haabia Advertising India Pvt. Ltd.

Vs.

United India Insurance Co. Ltd.

C.A.No.2008 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

30.03.2009

ORDER

1. Leave granted.

2. Heard learned counsel for the parties.

3. The appellant is Advertising Company. It is engaged in the business of putting up advertisements through hoardings and sky-signs at Vishakhapatnam. In 1994, the appellant filed complaint under Section 17 of the *Consumer Protection Act, 1986* (for short, "the Act") for award of compensation to the tune of Rs. 20 lakhs by stating that the hoardings which were insured were illegally removed by the authorities. By an order dated 8.8.2001, the Andhra Pradesh State Consumer Disputes Redressal Commission (for short, "the State Commission") held that there was no deficiency of service and dismissed the complaint. The National Consumer Disputes Redressal Commission (for short, "the National Commission") confirmed the order of the State Commission by observing that after having availed the remedy by filing writ petition and contempt petition before the High Court, the petitioner

4. In our view, the reason assigned by the National Commissions for refusing to entertain the claim of the appellant is legally untenable and the impugned order is liable to be set aside because the writ petition and contempt petition filed by the appellant against the Municipal Corporation in the matter of alleged illegal removal of hoardings etc. do not have direct bearing on its claim for award of compensation.

5. Accordingly, the appeal is allowed, impugned orders are set aside and the matter is remanded to the National Commission for disposal of the appeal filed by the appellant on merits after giving opportunity of hearing to the parties.