ITEM NO.5 Court 4 (Video Conferencing) SECTION XVII-A

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.10713/2020

(Arising out of impugned final judgment and order dated 15-06-2020 in RP No. 604/2019 passed by the National Consumers Disputes Redressal Commission, New Delhi)

ROYAL SUNDARAM GENERAL INSURANCE COMPANY LIMITED

Petitioner(s)

VERSUS

MELANIE DAS Respondent(s)

(With appln.(s) for exemption from filing affidavit and interim relief)

Date: 15-09-2020 This petition was called on for hearing today.

CORAM:

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MS. JUSTICE INDU MALHOTRA HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Deepa Chacko, Adv. Ms. Anu Gupta, AOR

For Respondent(s)

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

The consumer complaint against the petitioner was instituted on 6 April 2012. The State Consumer Disputes Redressal Commission by an order dated 2 April 2014 directed the petitioner to pay the original complainant an amount of Rs 17,70,255, together with interest at the rate of 9% per annum from the date of the complaint.

- In an appeal filed by the petitioner, the National Consumer Disputes Redressal Commission by an interim order dated 11 July 2014, directed the petitioner to deposit fifty per cent of the decretal amount. This was to be invested in a fixed deposit of a Nationalized Bank. On 5 August 2014, the petitioner deposited an amount of Rs 11,18,240 by a demand draft. Ms Deepa Chacko, learned counsel appearing for the petitioner states that the amount was inclusive of interest from 6 April 2012 to 24 July 2014. The appeal was dismissed by the NCDRC on 22 January 2018.
- In compliance with the final order of the NCDRC, the details of the amount which has been paid to the respondent are indicated in the synopsis on pages 'D' and 'E', extracted below:

"The details of calculation for the amount of Rs.14,69,194/- are as under:

Total Awarded amount	Rs. 17,70,255
Interest @ 9% p.a. from 6.4.2012 (date of filing of Complaint to 28.02.2018)	Rs. 9,40,224
Compensation	Rs. 1,00,000
Total	Rs. 28,10,479
Less Amount deposited (As per stay order dated 1.7.2014 of National Commission)	Rs.11,18,240
Statutory amount	Rs.35000
Statutory amount Total amount Less TDS	Rs. 35000 Rs. 11,53,240 Rs. 1,88,045

A cheque dated 8 March 2018 for Rs 14,69,194 was sent to the respondent.

- In view of the above facts, Ms Deepa Chacko, learned counsel for the petitioner submits that as a matter of fact, the petitioner has computed interest for the entire period from the filing of the complaint, inclusive of the period between 2014 and 2018 and the amount has been paid to the respondent.
- 5 Issue notice, returnable in six weeks.
- 6 Dasti, in addition, is permitted.
- 7 Till the next date of listing, there shall be a stay of the operation of the impugned judgment and order of the National Consumer Disputes Redressal Commission dated 15 June 2020.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR) BRANCH OFFICER