

IN THE HIGH COURT OF DELHI AT NEW DELHI

% **Date of Decision: 26th March, 2008**

+ **CM (M) 384/2008 & CM No. 4368/2008**

SARLA PRASAD ... Petitioner

! Through: Mr. Abhijat, Advocate with
Mr. Abhishek Mishra, Advocate.

Versus

\$ KARVY COMPUTERSHARA PVT. LTD & ORS ...
Respondent

Through:

**CORAM:
HON'BLE MS. JUSTICE VEENA BIRBAL**

1. Whether the reporters of local papers may be allowed to see the judgment?
2. Whether the judgment be referred to the reporter or not?
3. Whether the judgment should be reported in the digest?

Veena Birbal, J. (Oral)

1. Petitioner has filed the complaint before State Commission under Section 12 of the Consumer Protection, Act 1986 (hereinafter referred to as the "Act") against the respondents. The case of the petitioner is that she had purchased 45,300 shares of Jindal Vijaynagar Steel Ltd. under folio No.JVS0530483. The said company subsequently merged with Jindal Iron and Steel Company Limited and the merged entity JSW Steel Ltd., the respondent No.2 was incorporated. As per scheme of merger 1890 shares of JSW Steel Ltd. in lieu

of 45300 shares held in Jindal Vijaynagar Steel Limited were issued to petitioner vide new folio No, JSW0297722. After the issuance of new shares dividend warrant amounting to Rs.5670/- was also issued in her favour. It is stated that despite repeated request of petitioner new shares certificate were not delivered to her, as such she filed a complaint under Section 12 of the aforesaid Act before the State Commission seeking various reliefs as are stated in the prayer clause of said complaint. It is stated that the complaint was filed on 13.12.2007, the market value of the shares on that day was Rs. 25,11,810/- and apart from that petitioner had also claimed the dividends on the said shares as well as compensation towards mental harassment and agony suffered by her. It is stated that learned State Commission vide impugned order dated 30.1.2008 transferred the complaint to concerned District Forum for consideration on the ground that the value of share is being assumed by the petitioner on a hypothetical ground as the value of the shares three years before was admittedly lower than what has been claimed. Learned Commission further held that if the District Forum at a final stage is of the view that complainant is entitled for higher compensation the District Forum may refer the claim to State Commission for final adjudication.

3. Aggrieved with the order of State Commission in transferring the complaint to District Forum, present petition is filed. It is contended that as per Section 17 of the Act, the State Commission has jurisdiction to entertain complaint where the value of the goods or the services and compensation, if any, exceeds Rs.20 lacs. It is contended that in the present case the value of the goods i.e. shares exceeds Rs.20 lacs and apart from that petitioner has also claimed dividend and compensation as such the State Commission should not have transferred the matter to District Forum. It is further stated that market value of the goods i.e. shares in the present case has to be seen on the date when the complaint is filed.

4. I have considered the submission made and perused the record.

5. Section 17 of the Act deals with jurisdiction of the State Commission which is under:-

17. Jurisdiction of the State Commission-
Subject to the other provisions of this Act, the State Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees [five lakhs but does not exceed rupees twenty lakhs] and

(ii) appeals against the orders of any District Forum within the State; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.”

6. The petitioner has categorically stated in the petition the value of the shares which he has not received is Rs.25,11,810/-. Apart from this petitioner has also made other claims, the details of which are given in the complaint. In support of claim before the State Commission, petitioner has also filed extract of listing of National Stock Exchange dated 13.12.2007 having taken from internet and the value of share of JSW Steel Ltd. on that day is Rs.1329/- per share and the total value of shares comes to Rs.25,11,810/- Apart from this petitioner has also claimed compensation and dividend of the said shares. In my view, fluctuation of shares as observed by the State Commission would not come in its way while deciding the pecuniary jurisdiction in the matter. The value of the goods has to be seen on the date when the complaint is filed. In the present case complaint is filed on 13.12.2007 and along with it petitioner has also filed the extract of listing of National Stock Exchange dated 13.12.2007 showing the value of the shares which has already been stated above. It is nowhere stated in the impugned order

that petitioner has exaggerated the value of the shares in order to make her claim before the State Commission.

7. In view of above, impugned order stands set aside and the matter is remanded back to State Commission for deciding the same in accordance with law. Petitioner to appear before State Commission on 4th April, 2008.

8. Petition stands disposed of accordingly. As prayed order be given dasti.

Veena Birbal, J.

March 26, 2008
srb