

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

319

CWP No.6675 of 2001 (O&M)
Date of decision : 07.09.2017

National Insurance Company Limited

..... Petitioner

Versus

The State Consumer Disputes Redressal Commission, Haryana
and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Deepak Suri, Advocate
for the petitioner.

Mr. Anil Mehta, D.A.G., Haryana.

Mr. J.S.Bhatia, Advocate
for respondent No.2.

AJAY TEWARI, J.(ORAL)

This appeal has been filed against the order of the State Consumer Disputes Redressal Commission whereby the Commission had held that an award given by the arbitrator appointed by it could be executed straightway and there was no requirement for the award to have been made rule of the Court.

The contention of the counsel for the petitioner is that once the arbitration proceedings had been initiated under the Act of 1940 the provisions of the Act of 1996 could not have been held applicable.

Counsel for respondent No.2 has however argued that the primary issue in this case is not regarding the correctness of the order of the Commission but the very maintainability of the petition itself since under The Consumer Protection Act, 1986 (for short 'the Act'), there is specific right of appeal. Section 21 of the Act is to the following effect :-

“21. Jurisdiction of the National Commission :

Subject to the other provisions of this Act, the National Commission shall have jurisdiction -

- (a) to entertain-*
 - (i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees [rupees one crore]; and*
 - (ii) appeals against the orders of any State Commission; 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 State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.”*

Learned counsel for the petitioner is not in a position to justify how the remedy provided under the Act is not practicable.

In the circumstances, the petition is to be dismissed as being

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 07, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No