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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 16297/2023 & CM APPL. 65642/2023

BANK OF BARODA ..... Petitioner

Through: Mr. Arun Aggarwal, Mr. Shivam Saini, Mr. Praful Rawat, Advocates

versus

M/S ISHWAR TEXTILE AGENCY ..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

<u>O R D E R</u>

% **23.04.2024**

1. The Petitioner, Bank of Baroda, has approached this Court challenging an Order dated 08.11.2023 passed by the National Consumer Disputes Redressal Commission wherein it has allowed the revision petition filed by the Respondent herein.

2. The facts in brief are that the Respondent herein placed a purchase order for eight second hand Sulger Looms with one Moin Textile Corporation, Iran and an invoice dated 11.09.2010 was generated for USD 51,000/-.

3. It is stated that the Respondent herein deposited a sum of Rs.5,94,490/- along with Rs.1,304/- as commission with the Bank of Baroda and the amount of USD 51,000/- was to be transferred from the account of the Respondent herein to the account held by Moin Textile Corporation, Iran. However, Bank of Baroda did not transfer the amount to the Moin

Textile Corporation, Iran. The Respondent herein, therefore, prayed for refund of the amount of Rs.5,95,494/- which had been deposited by it with the Bank of Baroda.

4. Since the amount was not refunded to the Respondent herein, the Respondent approached the District Forum which allowed the application and Bank of Baroda was directed to pay a sum of Rs. 5,95,494/- to the Respondent herein within a period of one month. The Bank of Baroda was directed to pay simple interest of 12% per annum w.e.f. 22.02.2012, which is the date on which the Respondent herein approached the consumer forum. Over and above, the Bank of Baroda was also directed to pay a sum of Rs.25,000/- towards mental agony and financial loss etc.

5. Aggrieved by the order passed by the District Forum, the Petitioner herein filed an appeal before the State Commission which allowed the petition filed by the Petitioner herein. Thereafter, the Respondent herein, filed a review petition against the order of the State Commission before the National Consumer Disputes Redressal Commission (NCDRC).

6. It is pertinent to mention here that the Bank of Baroda took a ground stating the transaction had been blocked by the Office of Foreign Assets Control (OFAC), Department of Treasury of the United States as the name of Moin Textile Corporation appeared under the Specially Designated Nationals (SDN) list. The Bank took a stand that the Respondent herein was to contact the US Department and get a clarification for the refund of the amount.

7. The NCDRC allowed the revision petition filed by the Respondent herein on the ground that there was nothing on record to show that the directions of the US Treasury Department had become effective so suddenly

that the Bank was not aware of the same when it accepted the amount from the Respondent herein for transmission of the amount to the intended beneficiary in Iran. It is this order which is under challenge in the instant writ petition.

8. The scope of interference under Article 227 of the Constitution of India challenging an order of the National Consumer Disputes Redressal Commission is extremely limited.

9. There is nothing on record which shows that the order of the NCDRC is so perverse which warrants interference under Article 227 of the Constitution of India. Further, the amount involved is only Rs.5,95,494/-. This Court is not inclined to exercise its jurisdiction under Article 227 of the Constitution of India to interfere with the order passed by the NCDRC.

10. It is made clear that the question of law in this case is left open to be decided in an appropriate case if it arises in future.

11. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

APRIL 23, 2024
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