

Settlement of consumer dispute between Omaxe Limited and Kailash Goyal through mutual agreement: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION NEW DELHI

OMAXE LIMITED & 2 ORS.

...Appellant

KAILASH GOYAL

...Respondent

Case No: FIRST APPEAL NO. 1292 OF 2014

Date of Judgement: 01 January 2024

Judges:

SUBHASH CHANDRA – PRESIDING MEMBER

DR. SADHNA SHANKER – MEMBER

For Appellant: MR. VEDANT KUMAR MUND, MR. SUNIL MUND, ADVOCATES

For Respondent: None

Facts:

Kailash Goyal filed a consumer complaint (No. 01/2014) against Omaxe Limited and others before the State Consumer Disputes Redressal Commission, Rajasthan. The State Commission passed an order dated 31/10/2014 in the said complaint against Omaxe Limited. Aggrieved by the order, Omaxe Limited filed a first appeal (No. 1292 of 2014) before the National Consumer Disputes Redressal Commission, New Delhi. During the pendency of the appeal, the parties filed a settlement

agreement dated 05.10.2023 to amicably resolve the dispute.

Arguments:

Appellant's Arguments:

The order of the State Commission was erroneous and liable to be set aside. Appellant prayed that the appeal be allowed and the impugned order be quashed.

Respondent's Arguments:

The order of the State Commission was legal and proper. Respondent supported the impugned order and prayed for dismissal of the appeal.

Court's Opinion and Order:

The Court took note of the settlement agreement arrived between the parties. It observed that the parties have amicably resolved the dispute through mutual settlement. In view of the settlement, the Court dismissed the appeal as withdrawn. The Court directed that the parties shall remain bound by the terms of the settlement. Further, the Court ordered refund of Rs.10 Lakhs security deposit to the Appellant along with any accrued interest.

Sections referred:

The order does not refer to any specific statutory provisions. It is based on the inherent powers of the Consumer Commission to accept a settlement between parties and dispose of the case accordingly.

Cases cited:

No judicial precedents have been cited in the order.

Referred Laws:

The Consumer Protection Act, 1986 – the governing legislation for consumer disputes redressal agencies. Code of Civil Procedure, 1908 – for procedure relating to disposal of cases basis compromise/settlement between parties.

Analysis:

The order demonstrates the amicable settlement of consumer disputes through mediation and mutual agreement. It upholds the policy of law to promote alternate dispute resolution mechanisms. The order passed

by the Consumer Commission is as per settled legal principles relating to disposal of cases pursuant to compromise or settlement between parties. It provides timely relief to parties avoiding prolongation of litigation. Both parties benefit from saved costs and time. The settlement reached between the parties amicably resolves the grievances raised in the consumer complaint. The order recognises the terms of settlement and makes it binding on the parties lending finality to the dispute. Overall, the order reflects the consumer-friendly approach of consumer fora in providing efficient and timely redressal to consumer disputes through settlements.

Conclusion:

The National Commission allowed the settlement between Omaxe Limited and Kailash Goyal in the consumer dispute. It dismissed the appeal filed by Omaxe Limited as withdrawn pursuant to the amicable settlement. The order demonstrates the conciliatory approach adopted by consumer commissions in resolving consumer disputes. It exhibits their endeavour to provide efficacious and expeditious disposal of cases through settlements arrived between parties.

Case Laws Referred:

No case laws were referred in the order.

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Court

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Full Text of Judgment:

Proxy Counsel appearing for the Appellants files a settlement deed dated 05.10.2023 amicably settling the matter between the parties.

The Appeal is dismissed as withdrawn.

Parties shall remain bound by the terms of the settlement.

Amount of Rs.10 Lakhs deposited by the Appellants in terms of the order dated 28.01.2015 with the State Commission Rajasthan shall be refunded to the Appellants along with interest, if any, accrued thereon.