

ITEM NO.57

COURT NO.8

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18343/2021  
(Arising out of impugned final judgment and order dated 30-07-2021  
in RP No. 123/2021 passed by the National Consumers Disputes  
Redressal Commission, New Delhi)

APPLE INDIA PRIVATE LTD.

Petitioner(s)

VERSUS

HARISH CHANDRA MOHANTY & ANR.

Respondent(s)

Date : 16-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Rajshekar Rao, Sr. Adv.  
Mr. T. V. S. Raghavendra Sreyas, AOR  
Mr. Munish Mehra, Adv.  
Ms. Riddima Sharma, Adv.  
Mr. Siddharth Vasudev, Adv.

For Respondent(s) Mr. Anirudh Sanganeria, AOR  
Mr. Siddharth Sinha, Adv.

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

Learned counsel for the petitioner submits  
that the respondent(s)-complainant(s) has been  
suitably compensated after the order of the District  
Forum, before filing of the present Special Leave  
Petition. He, however, submits that the grievance

which still remains with the petitioner is with regard to Paragraph 14 of the order dated 26<sup>th</sup> November, 2020 passed by the State Commission.

The said paragraph is reproduced hereunder :

*"14. From the above observations, it is clear that on receipt of complain from complainant, it was the duty of O.P. No. 2 to take proper steps to trace the stolen mobile. O.P. No. 2 failed to take immediate steps even after receipt of relevant documents from complainant. This amounts to deficiency of service on the part O.P. No. 2. It was the responsibility of O.P. No. 2 to trace the stolen iPhone with the help of unique identity number provided by O.P. No. 2 specifically for the purpose of stealing missing and damage caused to iPhone."*

According to learned counsel, if such observations/directions are continued to remain, the petitioner-company would become a law enforcing agency of recovering lost products marketed by the petitioner.

Learned counsel for the respondents state that it is true that the respondent has been suitably compensated. However, he has nothing to say so far as

the existing grievance of the petitioner is concerned.

Having considered the submissions and having perused the above paragraph, we feel that the said observations were not warranted. Accordingly, we direct that paragraph 14 shall stand obliterated from the order dated 26<sup>th</sup> November, 2020 of the State Commission.

The Special Leave Petition is disposed of accordingly.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (NSH)