

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2019
Diary No(s). 3413/2019

ALLEN ARUN BANSODE

Appellant(s)

VERSUS

THE MANAGER FERRARI SPA HEADQUARTER AND
FACTORY & ORS.

Respondent(s)

O R D E R

Delay condoned.

The Civil Appeal is directed against an Order of the National Consumer Disputes Redressal Commission¹ by which an extension of time was granted to file a written statement subject to payment of costs of Rs. 10,000.

Learned counsel appearing on behalf of the appellant has submitted that the NCDRC had no jurisdiction to do so, once the period of 45 days prescribed under Section 13(1)(a) of the Consumer Protection Act, 1986 expired.

A Reference is pending before a three Judge Bench of this Court on the power of the NCDRC to extend time to file a written statement. We had, during the course of the hearing, suggested to the learned counsel appearing on behalf of the appellant that the interest of the appellant may perhaps be best subserved if the complaint is allowed to proceed on merits, subject to an enhancement of the costs awarded, as a condition for the filing of the written statement. Accepting

1 'NCDRC'

this suggestion, Ms. Bansuri Swaraj, learned counsel has left the enhancement of costs to this Court.

Mr. Gopal Jain, learned senior counsel appearing on behalf of the respondent has submitted that since the passing of the impugned order, the appellant filed an amended complaint to which a reply was also filed by the respondent.

Learned counsel appearing on behalf of the appellant has, however, urged that even the reply to the amended complaint was filed beyond a period of 45 days.

In view of the submission urged, as noted above, it would in our view, be appropriate to maintain the impugned order of the NCDRC, subject to the enhancement of costs.

We, accordingly, direct that in place of the order directing payment of costs of Rs. 10,000, the respondent shall pay costs to the appellant quantified at Rs. 1,00,000 (Rupees One Lakh) which shall be payable within a period of two weeks from today.

Conditional on the payment as aforesaid, the written statement shall be taken on the record.

The Civil Appeal is, accordingly, disposed of.

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

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
February 25, 2019

ITEM NO.11

COURT NO.12

SECTION XVII

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

CIVIL APPEAL Diary No(s). 3413/2019

(Arising out of impugned final judgment and order dated 27-09-2018 in CCN No. 1230/2018 passed by the National Consumers Disputes Redressal Commission, New Delhi)

ALLEN ARUN BANSODE

Appellant(s)

VERSUS

THE MANAGER FERRARI SPA HEADQUARTER
AND FACTORY & ORS.

Respondent(s)

(IA No.22005/2019-CONDONATION OF DELAY IN FILING and IA No.22008/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 25-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Ms. Bansuri Swaraj, Adv.
Mr. Sidhesh K., Adv.
Mr. Raghunatha Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.
Ms. Astha Sharma, AOR

For Respondent(s)

Mr. Gopal Jain, Sr. Adv.
Ms. Shruti Dass, Adv.
Mr. Dheeraj Nair, AOR

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

Delay condoned.

The Civil Appeal is disposed of in terms of the signed order.

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

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)