

- ii) publish an unconditional apology in two newspapers having wide circulation in Nasik.
- iii) pay a sum of Rs. 100,00,00,000/- (Rupees Hundred Crores) as damages for loss of business caused owing to the acts of the Respondent.
- iv) pay a sum of Rs.150,0000,000/- (Rupees One Hundred and Fifty Crores) on account mental agony, harassment and personal loss caused to the Complainant."

3. Having regard to the nature of prayers sought for by the appellant herein, the National Consumer Disputes Redressal Commission, New Delhi (for short, "NCDRC") disposed of the Consumer Case No.1554 of 2016 filed by the appellant herein by reserving liberty to the appellant to file a civil suit, if so advised. This was having regard to the prayers sought for by the appellant/complainant in Complaint Case No. 1554 of 2016. In view of the liberty reserved by the NCDRC to the appellant herein to file a civil suit, we do not find any reason to interfere in the said order.

4. In the circumstances, we grant a period of ninety days excluding today to file the civil suit before the Court of the competent jurisdiction. It is needless to observe that we have not considered any observation made either in favour

of the appellant or in favour of the respondent in this appeal and, therefore, the same are not interfered with by us. We further clarify that if a suit is filed seeking the aforesaid reliefs by the appellant herein, the said suit shall be considered on its own merits on the basis of the evidence to be recorded and disposed of in accordance with law.

5. We further grant liberty to the appellant herein to seek any other appropriate reliefs before the consumer Court, if so advised. In that event, such a complaint could be made by seeking appropriate reliefs before the Consumer Court within a period of ninety days excluding today.

6. In the event, any suit or consumer dispute seeking appropriate reliefs is filed by the appellant herein either before the competent civil court or before the consumer court, the issue of limitation shall not be raised either by the respondent or by the said Civil Court/Consumer Court.

7. Should the appellant herein file either a civil suit or a Consumer Dispute, the issue of constructive *res judicata* shall not also be raised by the respondent herein or by the concerned Civil Court or Consumer Court.

8. The appeal is disposed of in the aforesaid terms.

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

....., **J.**
(B.V. NAGARATHNA)

....., **J.**
(SATISH CHANDRA SHARMA)

NEW DELHI
MARCH 6, 2025.