

ITEM NO.14 Court 6 (Video Conferencing) 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

CIVIL APPEAL Diary No.25275/2020

(Arising out of impugned final judgment and order dated 09-11-2020 in CC No.3355/2017 passed by the National Consumers Disputes Redressal Commission, New Delhi)

ANOOP SHARMA Petitioner(s)

VERSUS

KAMAL NAIN PANDYA & ORS. Respondent(s)

(With appln.(s) for IA No.121639/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.121640/2020-STAY APPLICATION and IA No.121638/2020-PERMISSION TO FILE APPEAL)

WITH C.A. No.3827/2020 (XVII-A)  
( FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 122384/2020 and FOR EX-PARTE STAY ON IA 122385/2020)

Date : 14-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Joby P. Varghese, AOR

For Respondent(s) Mr. Sanchar Anand, Adv.  
Mr. Anant Kumar Vatsya, Adv.  
Mr. Devendra Singh, AOR

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

1 Permission to file the appeal is granted.

- 2 Mr Gopal Sankaranarayanan, learned senior counsel appearing on behalf of the appellant submits that the National Consumer Disputes Redressal Commission has admitted a complaint, being Consumer Case No 3355/2017, under Section 12(1)(c) of the Consumer Protection Act 1986 solely on the ground that it was filed before Consumer Case No 3469/2017. It has been submitted that there was an earlier complaint, bearing Consumer Case No 987/2015, to which the complainant in the subsequently instituted complaint, bearing Consumer Case No 3355/2017, was also a party, and that complaint was withdrawn on 14 September 2017 due to technical defects with liberty to file afresh. It has been submitted that the NCDRC has lost sight of the fact that Consumer Case No 3469/2017, which has been filed by the appellant is of a more comprehensive nature after taking care of the defects which were noticed while withdrawing the earlier complaint.
- 2 Issue notice, returnable in six weeks.
- 3 Dasti, in addition, is permitted.
- 4 Pending further orders, there shall be a stay of the further proceedings before the NCDRC in Consumer Case No 3355/2017.

**(CHETAN KUMAR)**  
A.R. - cum - P.S.

**(SAROJ KUMARI GAUR)**  
Court Master