

ITEM NO.1502

COURT NO.12

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1118/2016

SOBHA HIBISCUS CONDOMINIUM

Appellant(s)

VERSUS

MANAGING DIRECTOR, M/S. SOBHA DEVELOPERS LTD. . & ANR.Respondent(s)

WITH

C.A. No. 9959-9960/2017 (XVII-A)

C.A. No. 9961-9962/2017 (XVII-A)

C.A. No. 9963/2017 (XVII-A)

Date : 14-02-2020 This appeal was called on for pronouncement of judgment today.

For Appellant(s) Mr. Ashwani Kumar, AOR

Mr. Rajesh Mahale, AOR

Mr. Daya Krishan Sharma, AOR

For Respondent(s) Mr. Anoop Kr. Srivastav, AOR

Mr. R.N. Pareek, Adv.

Mr. Shiv Kumar G., Adv.

Mr. Vijay Pal Sharma, Adv.

Mr. P.K. Sinha, Adv.

Mr. Basava Prabhu S. Patil, Sr. Adv.

Mr. Shailesh Madiyal, AOR

Mr. Sudhanshu Prakash, Adv.

Mr. Kartik Anand, Adv.

Hon'ble Mr. Justice R. Subhash Reddy, pronounced the judgment of the Bench consisting of Hon'ble Mr. Justice Mohan M. Shantanagoudar and His Lordship.

Civil Appeal No.1118 of 2016

The appeal is dismissed in terms of the signed reportable judgment with no order as to costs.

Civil Appeal Nos.9961-9962 and 9959-9960 of 2017

The appeals are allowed in terms of the signed reportable judgment. The matter is remitted back to the National Consumer Disputes Redressal Commission, New Delhi with a direction to consider the complaints on merits and pass appropriate orders. It is made clear that the observations made in this order are only for the purpose of disposal of these appeals which are directed against the order of the NCDRC dismissing the complaints *in limine* on the ground of maintainability. It is open for the Commission to consider the grievance(s) raised in the complaints on its own merits.

Civil Appeal No.9963 of 2017

The impugned order is set aside, matter is remitted back to the National Consumer Disputes Redressal Commission, New Delhi with a direction to consider the matter afresh and dispose of the complaint case on its own merits. The civil appeal is allowed in terms of the signed reportable judgment.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed reportable judgments are placed on the file)