

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1788 OF 2020

CITY STAR GANGULY PROJECTS LLP

APPELLANT(S)

VERSUS

ANUBHAB CONSTRUCTION

RESPONDENT(S)

O R D E R

The present appeal is directed against the order dated 13.01.2020 in Consumer Complaint No.422/2019 passed by the National Consumer Disputes Redressal Commission(the Commission), New Delhi on a preliminary objection raised by the appellant holding that respondent is not a consumer under the Consumer Protection Act, 1986 (the Act) on whose instance the consumer complaint has been filed under Section 21(a) (i) of the Act.

The Commission after hearing the parties by the order impugned, arrived to a conclusion that the respondent/complainant is a consumer under the provision of the Act and the complaint at his instance is maintainable.

In the facts and circumstances, we are of the view that the order impugned dated 13.01.2020 is not sustainable in law and we hereby quashed and set aside

with the direction that let the parties may complete the pleadings and the Commission may decide the complaint filed at the instance of the respondent on its own merits, including on the plea of maintainability in accordance with law without being influenced by the observations which were earlier made in the order impugned dated 13.01.2020 which has been set aside by this Court.

The appellant is at liberty to file opposition/written version on merits (including plea of preliminary objection) within a period of six weeks and the respondent is also at liberty to file their further rejoinder affidavit, if any, within two weeks thereafter and it is expected from the Commission to decide the complaint expeditiously as possible but in no case later than six months after the pleadings are complete as jointly agreed by the parties.

We further make it clear that this Court has not expressed any opinion on merits and leave the matter for the Commission to examine on its own merits. Both the parties shall appear before the Registrar of the Commission on 09.11.2021.

With these observations, the Civil Appeal is disposed of.

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

.....J
(AJAY RASTOGI)

.....J
(ABHAY S. OKA)

NEW DELHI;
OCTOBER 21, 2021.

ITEM NO.2

COURT NO.14

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 No(s). 1788/2020

CITY STAR GANGULY PROJECTS LLP

APPELLANT(S)

VERSUS

ANUBHAB CONSTRUCTION

RESPONDENT(S)

(with IA No. 103972/2021 - CLARIFICATION/DIRECTION)

Date : 21-10-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s) Mr. Rana Mukherjee, Sr.Adv.
Mr. Partha Sil, AOR
Ms. Kanika Sharma, Adv.

For Respondent(s) Mr. Sanjay Ghosh, Sr.Adv
Ms. Urvi Mohan, Adv
Mr. Debangan Bhattacharya, Adv
Mr. Bidhan Hazra, Adv
Mr. Shaffi Mather, Adv.
Mr. Siddhartha Chowdhury. Adv

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

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

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

(NIRMALA NEGI)
COURT MASTER (SH)

(Signed order is placed on the file)

(BEENA JOLLY)
COURT MASTER (NSH)