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ITEM NO.16

COURT NO.11

SECTION XVII

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). 2339/2017

M/S BANGALORE ELECTRICITY SUPPLY COMPANY LTD AND ANR Appellant(s)

V E R S U S

MASTER RUSHIL AND ORS

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and office report)

Date : 23/02/2017 This appeal was called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE N.V. RAMANA

HON&#39;BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Pratiksha Mishra, Adv.

Mr. Balaji Srinivasan, Adv.

Ms. Shrishti Govil, Adv.

Mr. Abhishek Bharti, Adv.

Ms. Vaishnavi Subrahmanyam, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the appellants.

The main controversy in this appeal is pertaining to the power of Courts to extend time for filing written statement/reply to a complaint before Consumer Fora and there appears to be some conflicting decisions of this Court on this issue.

We find that in order to resolve this issue this Court in C.A. Nos. 1083-1084 of 2016 has already referred the question to a five Judge Bench for an authoritative judgment, which is pending.

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Issue notice.

Tag with Civil Appeal Nos. 1083-1084 of 2016.

The appellant is permitted to file its reply before the National Commission within two weeks from today subject to payment of Rs. 50,000/- as costs to be paid to the opposite party. The Commission can upon deposit of costs proceed with the trial of the complainant on merits after receiving the reply filed by the respondent. The pendency of present proceedings shall not be an impediment for the Commission to do so. This however is subject to the condition that complainant-respondent is ready and willing to take the proceedings forward on the conditions aforementioned. In case the complainant-respondents have any objection to the continuance of the proceedings before the Commission they shall be free to seek stay of such proceedings pending disposal of these appeals in which event the proceedings shall remain stayed till disposal of the present appeals.

(Shashi Sareen)

(S.S.R.Krishna )

AR-cum-PS Assistant Registrar