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ITEM NO.30

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

Petition(s) for Special Leave to Appeal (C) No(s). 8435/2017
(Arising out of impugned final judgment and order dated 09/01/2017
in RP No. 3360/2016 passed by the National Consumers Disputes
Reddressal Commission, New Delhi)

YADAVALLI VENKATA HARI KRISHNA SAI AND ANR.

Petitioner(s)

VERSUS

KOTAGIRI SRINIVASA RAO

Respondent(s)

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

Date : 27/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Venkateswara Rao Anumolu, Adv.

Me. Prabhakar Parnam, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the petitioners.

The main controversy in this petition 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.

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

Issue notice.

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

The petitioners are permitted to file their reply
before the State 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 complaint 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-respondent
has any objection to the continuance of the proceedings before
the Commission he shall be free to seek stay of such proceedings
pending disposal of these appeals/petitions in which event the
proceedings shall remain stayed till disposal of the present
appeals/petitions.

[SUKHBIR PAUL KAUR]

[S.S.R.KRISHNA]

A.R.-CUM-P.S.

ASSISTANT REGISTRAR