

1

ITEM NO.8

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).....CC No(s). 2564/2017
(Arising out of impugned final judgment and order dated 08/04/2016
in IA No. 3505/2016 08/04/2016 in CCN No. 518/2015 passed by the
National Consumers Disputes Reddresal Commission, New Delhi)
M/S. SKY TECH CONSTRUCTIONS (P) LTD. AND ANR. Petitioner(s)
VERSUS

ARUNA KUMAR PATRI AND ANR. Respondent(s)
(with appln. (s) for c/delay in filing SLP and office report)
Date : 07/04/2017 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. Bhupendra Pratap Singh, Adv.

Mr. Sunny Choudhary, Adv.

For Respondent(s)

Mr. Arvind Kumar Shukla, Adv.

Mr. Amit Shukla, Adv.

Mr. Varun Punia, Adv.

Mr. Nihal Ahmad, Adv.

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

2

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 Civil Appeal Nos. 1083-1084 of 2016 has already referred the
question to a five Judge Bench for an authoritative judgment,
which is pending.

Delay condoned.

Issue notice.

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

The petitioners are permitted to file their reply
before the National Commission within two weeks from today,
subject to payment of Rs.50,000/- (rupees fifty thousand only) 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 respondents. 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-respondents are 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

3

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