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ITEM NO.28

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). 10544/2017
(Arising out of impugned final judgment and order dated 20/02/2017
in CCN No. 1188/2016 20/02/2017 in IA No. 1678/2017 passed by the
National Consumers Disputes Reddresal Commission, New Delhi)
M/S ADITYA BIRLA HOUSING FINANCE LTD, THR ITS
AUTHORISED SIGNATORY Petitioner(s)

VERSUS

ASHOK SATIJA Respondent(s)
(with appln. (s) for exemption from filing c/c of the impugned
judgment and interim relief)
Date : 13/04/2017 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. Sanjeev Sagar, Adv.

Mr. Shekhar Raj Sharma, Adv.

Mr. Jinendra Jain, 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 petitioner is permitted to file its 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 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
appeal(s)/petition(s), in which event the proceedings shall
remain stayed till disposal of the present appeal(s)/petition(s).

[SUKHBIR PAUL KAUR]

[MADHU NARULA]

A.R.-CUM-P.S.

COURT MASTER