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ITEM NO.21

COURT NO.10

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 Diary No(s). No(s). 10792/2017

UNITED INDIA INSURANCE CO LTD AND ANR

Appellant(s)

VERSUS

BALAJI FILAMENTS LTD

Respondent(s)

(with appln. (s) for condonation of delay in filing appeal. and office report)

Date : 28/04/2017 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)

Mr. Mohit Paul, Adv.

Ms. Moulshree Shukla, Adv.

Mr. Mehul Prasad, Adv.

For Respondent(s)

Mr. Ritesh Agrawal, Adv.

Mr. Sohail Rishabh, Adv.

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

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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 appellants are 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 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-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, it 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