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ITEM NO.10

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).
4907/2017

(Arising out of impugned final judgment and order dated 08/04/2016
in IA No. 371/2016 08/04/2016 in CCN No. 520/2015 passed by the
National Consumers Disputes Reddresal Commission, New Delhi)
M/S. SKY TECH CONSTRUCTIONS (P) LTD. AND ANR. Petitioner(s)

VERSUS

ANKUR PAL Respondent(s)
(with appln. (s) for c/delay in filing SLP and c/delay in refiling
SLP and office report)

Date : 08/05/2017 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. Pramod Kumar Singh, Adv.

Mr. B.P.Singh, Adv.

Mr. Karmendra Pratap Singh, Adv.

Mr. Sunny Choudhary, Adv.

For Respondent(s) Mr. Varun Punia, Adv.

Ms.Sweta Rani, Adv.

Mr.Saurabh Arora, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the petitioner.

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.

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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.

Delay condoned.

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 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 these
appeals/petitions, in which event the proceedings shall remain
stayed till disposal of the present appeals/petitions.

(Shashi Sareen)

(S.S.R.Krishna)

AR-cum-PS Assistant Registrar