

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C)
Nos.36314-36315/2017

(Arising out of impugned final judgment and order dated 23-02-2017 in FA No. 1195/2016 and order dated 04-05-2017 in RA No. 81/2017 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S TDI INFRASTRUCTURE LTD

Petitioner(s)

VERSUS

RITA GUPTA

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 08-01-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Ms. Kanika Agnihotri, Adv.

Ms. Supriya Juneja, AOR

Ms. Drishti Harpalani, Adv.

Mr. Karan Minocha, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel appearing for the petitioner.

The main controversy in these matters are 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 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 Consumer Disputes Redressal 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 complainant 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 afore-mentioned. In case the complainant-respondent has any objection to the continuance of proceedings before the Commission, she shall be free to seek stay of such proceedings pending disposal of these appeals in which event, the proceedings shall remain stayed till disposal of the present appeals.

(VISHAL ANAND)
COURT MASTER (SH)

(RENUKA SADANA)
ASST.REGISTRAR