

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2017
(D.NO. 2365 OF 2017)

RELIANCE GENERAL INSURANCE CO LTD AND ANR ...APPELLANT(S)

VERSUS

M/S MAMPEE TIMBERS AND HARDWARES PVT LTD AND ANR
...RESPONDENT(S)

O R D E R

Heard.

Delay condoned.

The question involved in this appeal is whether the time stipulated under Section 13 of the Consumer Protection Act, 1986 for filing written statement is mandatory and whether no flexibility is available with the Court in the interest of justice.

This question has been answered in the affirmative in New India Assurance Company Limited Vs. Hilli Multipurpose Cold Storage Private Limited in Civil Appeal No.D.35086 of 2013 etc. (2015) 16 SCC 20, reiterating the view in J.J. Merchant and Ors. Vs. Shrinath Chaturvedi (2002) 6 SCC 635.

Thereafter, the matter has been referred to a larger bench in view of contra views in the judgments of this Court in Topline Shoes Limited Vs. Corporation Bank (2002) (6) SCC 33; Kailash Vs. Nankhu (2005) 4 SCC 480 and Salem Advocate Bar Association Vs. Union of India (2005) 6 SCC 344.

It has been brought to our notice that in view of uncertainty in law, proceedings in number of cases is held up before the Consumer Fora.

This Court has passed interim order dated 11.02.2016 in M/s. Bhasin Infotech and Infrastructure Pvt. Ltd. Vs. M/s Venezia Buyers Association(Regd.) in C.A.Nos.1083-1084/2016, to the following effect :

"The proper course in our opinion is to permit the appellant-company to file its response, which was delayed by just about one day. We accordingly permit the appellant to file its reply before the National 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 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 in which event the proceedings shall remain stayed till disposal of the present appeals".

We consider it appropriate to direct that pending decision of the larger bench, it will be open to the concerned Fora to accept the written statement filed beyond the stipulated time of 45 days in an appropriate case, on suitable terms, including the payment of costs, and to proceed with the matter.

The appeal is disposed of in above terms.

It will be open to the respondents to move this Court if they are aggrieved by this order.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
10TH FEBRUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.25

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Diary No(s). No(s). 2365/2017

RELIANCE GENERAL INSURANCE CO LTD AND ANR

Appellant(s)

VERSUS

M/S MAMPEE TIMBERS AND HARDWARES PVT LTD AND ANR Respondent(s)
(With appln. (s) for condonation of delay in filing appeal. and
office report)

Date : 10/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. S.D. Raman, Adv.
Mr. Garvesh Kabra, Adv.

For Respondent(s)

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

The appeal is disposed of in terms of the
signed order.

(Madhu Bala)
Court Master
(Signe order is placed on the file)

(Veena Khera)
Court Master