

SLP(C)No. 4401 OF 2004
ITEM No.50

Court No. 5

SECTION XVII
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.4401/2004

(From the judgement and order dated 08/09/2003 in FA 670/03
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

NEW INDIA ASSURANCE COMPANY LTD.

Petitioner (s)

VERSUS

M/S. TATA REFRACTORIES LTD.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for c/delay in filing counter affidavit)

Date : 17/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Pranab Kumar Mullick,Adv.
Mr. J.R. Midha, Adv.

For Respondent (s)Mr. Raju Ramachandran, Sr. dv.
Mr. Braj Kishore Mishra,Adv.

Mr. Amit Patnaik, Adv.

Ms. Aparna Jha, Adv.

Mr. Abhishek Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal stands disposed of in terms of the signed order.

(K.K.Chawla)

Court Master

(Gyan Bhatia)

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2005

[ARISING OUT OF SLP (CIVIL) NO.4401 OF 2004]

NEW INDIA ASSURANCE COMPANY LTD.

Appellant (s)

VERSUS

M/S. TATA REFRACTORIES LTD.

Respondent (s)

O R D E R

Leave granted.

Heard parties.

The National Commission has refused to condone a delay of 70 days in filing the Appeal and dismissed the Appeal. In our view, the delay is not so inordinate that it could not have been condoned. The National Commission could have directed the Appellant to pay costs.

We, therefore, set aside the impugned order and remit the matter back to the National Commission for disposal on merits. The Appellant shall pay costs to the Respondent fixed at Rs.5000/-.

The Appeal stands disposed of accordingly.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
January 17, 2005.