

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)...../2013

(CC 7356/2013)

(From the judgement and order dated 03/09/2012 in RP No.4336/2010 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

HARYANA URBAN DEV. AUTHORITY & ORS.

Petitioner(s)

VERSUS

TEJ REFRIGERATION INDUSTRIES LTD.

Respondent(s)

With I.A.1 (C/delay in filing SLP and c/delay in refiling SLP)

Date: 10/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr.Ankit Goel, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

One of the point which requires consideration in this special leave petition filed against order dated 03.09.2012 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission') in Revision Petition No.4336 of 2010 is whether the District Consumer Disputes Redressal Forum, Jhajjar (for short, 'the District Forum') had the jurisdiction to entertain the complaint filed after six years of accrual of cause of action and whether the District Forum, the State Consumer Disputes Redressal Commission (for short, 'the State Commission') and the National Commission committed serious error by not deciding the issue of limitation in the light of the provisions contained in Section 24A of the Consumer Protection Act, 1986.

Prima facie, we are satisfied that the District Forum should not have entertained the complaint filed by the respondent which, as mentioned above, was filed after six years of the accrual of cause of action.

Issue notice on the special leave petition as also on the petitioners' prayer for interim relief, returnable on 07.05.2013. Dasti, in addition, is permitted.

In the meanwhile, operation of the impugned order as also those passed by the District Forum and the State Commission shall remain stayed.

It shall be the petitioners' duty to serve the respondent before the next date of hearing failing which the interim order passed today shall stand automatically vacated.

Notice be also issued to the Chief Administrator, Haryana Urban Development Authority. He shall file an affidavit incorporating therein the criteria for engaging advocates for representing the cause of Haryana Urban Development Authority before different Courts and quasi-judicial bodies including the consumers forums. This direction is being issued because it has been repeatedly noticed that the counsel engaged by the Haryana Urban Development Authority and its functionaries do not perform their duties with that degree of efficiency required for representing a public cause. The required affidavit be filed by the Chief Administrator within three weeks.

A copy of this order be sent to the Chief Administrator,
Haryana Urban Development Authority, Panchkula, Haryana by fax.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master