

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2667 OF 2005

DEVELOPMENT CREDIT BANK LTD.

Appellant (s)

VERSUS

CCI CHAMBERS CO-OP.HOUSING STY.LTD.

Respondent(s)

(With appln(s) for permission to place additional documents on record and ex-parte stay and permission to place addl. documents on record and office report)

Date: 09/05/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s)

Mr. Arun Jaitely, Sr. Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Ashok Gupta, Adv.

Mr. Jatin Zaveri, Adv.

For Respondent(s)

Mr. Harish N. Salve, Sr. Adv.

Mr. Chetan Sharma, Sr. Adv.

Mr. Rajiv Nanda, Adv.

Ms. Ramni Taneja, Adv.

Ms. Minakshi Grover, Adv.

Mr. Mukesh Tyagi, Adv.

UPON hearing counsel the Court made the following

O R D E R

The respondent has made appearance in the Court.

With the consent of the learned counsel for the parties, the appeal is heard finally.

The appeal stands disposed of in terms of the signed order and the order of the Commission stands superseded by the order of this Court.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2667 OF 2005

Development Credit Bank Ltd.
Appellant

...

Versus

CCI Chambers Co-op. Housing Society Ltd.

... Responden

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O R D E R

The respondent has made appearance in the Court.

With the consent of the learned counsel for the parties, the appeal is heard finally.

This appeal is filed by the opposite party before the National Consumer Disputes Redressal Commission (for short "the Commission") feeling aggrieved by the order dated 1st March, 2005 whereby the Commission has directed the complaint to be tried by itself forming the opinion that it was not necessary to drive the complainant to the need of filing a civil suit.

The principal grievance of the appellant before us is that it would be deprived of its right to cross-examine the deponents of the affidavits incorporating examination-in-chief tendered in evidence by the complainant in view of the decision dated 3.12.2004 in Original Petition No.233/1996 incorporating a practice direction of the Commission. The direction requires the opposite parties to file interrogatories whereafter the Commission may permit further cross-examination or not, in its discretion.

The learned senior counsel for the respondent before us, i.e. the complainant in the Commission, has submitted that the complainant has no objection to the opposite party conducting a full-fledged cross-examination of the deponents of the affidavits filed on behalf of the complainant. We direct accordingly.

Inasmuch as the deponents will be subjected to full-fledged cross-examination before the Commission, the Commission would be at liberty to form an opinion afresh, now or at any subsequent stage, whether it would like to conduct the trial before itself or refer the parties to civil court.

The appeal stands disposed of in the terms abovesaid and the order of the Commission stands superseded by this order.

.....CJI

(R.C. Lahoti)

.....J

(D.M. Dharmadhikari)

.....J

(G.P. Mathur)

New Delhi

May 9, 2005.