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SLP(C)No. 19476 OF 2001
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3029 OF 2003
[Arising out of S.L.P.(C) No.19476/2001]

ORISSA STATE HOUSING BOARD

...
APPELLANT (S)

VERSUS

MAJOR BHABAGRAHI JATAK SINGH

...
RESPONDENT (S)

WITH

CIVIL APPEAL NO. 3030 OF 2003
[Arising out of S.L.P.(C) No.18826/2001]

WITH

CIVIL APPEAL NO. 3031 OF 2003
[Arising out of S.L.P.(C) No.18779/2001]

WITH

CIVIL APPEAL NO. 3032 OF 2003
[Arising out of S.L.P.(C) No.19154/2001]

O R D E R

CIVIL APPEAL NO. 3029 OF 2003
[Arising out of S.L.P.(C) No.19476/2001]

Leave granted.

The challenge in this appeal is to the order dated 28th May, 2001 passed by the National Consumer Disputes Redressal Commission dismissing the appeal filed by the appellant-Board against the order dated 30th September, 2000 passed in CD No.321/1993 by the State Commission of Orissa. By that order, the State Commission had decided four complaints and assessed Rs.39,157/- as damages for defects in each of the houses of the four complainants. Our attention has been drawn by the learned counsel for the appellant to similar orders, which are pending adjudication in First Appeal Nos. 133-138/1998 before the National Consumer Disputes Redressal Commission. We have also been taken through the order passed by the State Commission in particular to para 5 thereof. It is evident that the cases relied upon by the State Commission in para 5 of its order dated 30th September, 2000 are pending in appeal before the National Consumer Disputes Redressal Commission. In this view, it would be appropriate that if First Appeal No.104/2001 is decided along with other pending matters (First Appeal Nos. 133-138/1998). We may note the submission of the learned counsel for the Board that on the basis of the impugned order, various orders are being passed by the State Commission despite the fact that the similar matters as aforesaid are pending before the National Consumer Disputes Redressal Commission. Without expressing any opinion on merit, under the aforesaid circumstances, we set aside the impugned order and remit the First Appeal No.104/2001 for fresh decision by the National Consumer Disputes Redressal Commission. The appeal is accordingly disposed of. We request the Commission that as far as possible to expeditiously dispose of the matter.

CIVIL APPEAL NO. 3030 OF 2003
[Arising out of S.L.P.(C) No.18826/2001]

CIVIL APPEAL NO. 3031 OF 2003
[Arising out of S.L.P.(C) No.18779/2001]

CIVIL APPEAL NO. 3032 OF 2003
[Arising out of S.L.P.(C) No.19154/2001]

Leave granted.

These appeals are disposed of in terms of C.A.No.3029/2003 [Arising out of S.L.P.(C) No.19476/

2001]

.....J.
(Y.K. SABHARWAL)

.....J.
(H.K. SEMA)
New Delhi,
April 7, 2003.
ITEM No.32

Court No. 7

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.19476/2001

(From the judgement and order dated 28/05/2001 in FA 104/01
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

ORISSA STATE HOUSING BOARD

Petitioner (s)

VERSUS

BHABAGRAHI JATAK SINGH

Respondent (s)

(With prayer for interim relief and office report)

With

SLP(C)No.18779/2001, SLP(C)No.18826/2001, SLP(C)No.19154/2001

(With prayer for interim relief)

Date : 07/04/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Manoj K. Das, Adv.

Mr. Sibbo Sankar Mishra,Adv.

For Respondent (s)

Mr. M.A. Chinnasamy,Adv.

Mr. Ashok Mathur, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted in all the SLPs.

The appeals are disposed of in terms of the signed order.

(P.D. Balodi) (V.P. Tyagi)

Court Master Court Master

(The signed order is placed on the file)