

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

Petition(s) for Special Leave to Appeal (Civil) No(s).29202/2009

(From the judgement and order dated 19/05/2009 in MA No.306/2009 in OP No.34/1994 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

NATIONAL RES.DEVT.CORP. Petitioner(s)

VERSUS

M/S ROHIT CHEM.& ALLIED INDUS.P.LTD. Respondent(s)

(With prayer for interim relief and office report)

Date: 13/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI  
HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr.Varun Tandon, Adv.

For Respondent(s) Mr.Adarsh Ramakrishnan, Adv.  
Mr.Pranav Jain, Adv.  
Mr. M.A.Chinnasamy, A.O.R.

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

This petition is directed against interlocutory order dated 19.05.2009 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission') in M.A. No.306 of 2009 in Original Petition No.34 of 1994 whereby the petitioner's prayer for taking on record the examination-in-chief and cross-examination of Shri Tilak Ram before Ms.Justice (Retd.) Usha Mehra, the sole arbitrator in the arbitration proceedings titled National Research Development Corporation vs. M/s Rohit Chemicals & Allied Industries Private Limited and cross-examination of Shri K.L.Gujral was dismissed with cost of Rs.10,000/-.

We have heard learned counsel for the parties.

A reading of the impugned order shows that the application filed by the petitioner for grant of permission to cross-examine Tilak Ram was dismissed by the National Commission vide order dated 19.7.2006 and Writ Petition No.15838/2006 and Special Leave Petition (C) Nos. 16790-16791/2007 filed against the order of the National Commission were dismissed by the Delhi High Court and this Court, respectively.

M.A. No.306/2009 filed by the petitioner was dismissed by the National Commission by recording the following observations:

"Examination-in-chief and cross-examination of Tilak Ram and cross-examination of K.L. Gujral have been recorded in arbitration proceedings entitled "National Research Development Corporation Vs. M/s. Rohit Chemicals & Allied Industries Private Limited". Copies of the statement of claim and reply have not been filed. Though it was pointed out on behalf of opposite party that the dispute in arbitration proceedings pertains to payment of royalty money but in the absence of statement of claim and reply one does not know the nature of controversy in those arbitration proceedings. Relevancy of the said depositions can be decided only on examining the controversy in the two matters. That apart, in

view of the order dated 19.7.2006 which has attained finality after dismissal of WP (C) No. 15838 of 2006 and SLP No. 16790-16791 of 2007, the complaint is to be decided only on the basis of evidence recorded and documents produced before Justice Gujral, Arbitrator. Opposite party, thus, can not be permitted to place on record the copies of two depositions. Application seems to have been filed with a view to further delay the proceedings. Accordingly, the application is dismissed with Rs.10,000/- as cost which will be deposited by the opposite party in 'Consumer Legal Aid Account' within two weeks from today.

List on 10.8.2009 for arguments."

In our considered view, the sole object of filing successive applications by the petitioner is to delay final adjudication of the original petition filed by the respondent in 1994. Therefore, we do not find any justification to interfere with the impugned order.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master