

ITEM NO.27

COURT NO.11

SECTION XVII

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).30494-30495/2010

(From the judgement and order dated 12/07/2010 in RP No. 2041/2010 and dated 16.8.2010 in RP No. 173/2010 of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)

ELECTRIX (INDIA)LTD. Petitioner(s)

VERSUS

SUDHIR G DESAI & ANR Respondent(s)

(With appln(s) for exemption from filing Judgment and prayer for interim relief) c/c of the impugned

Date: 16/11/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Sibor Sankar Mishra, Adv.

For Respondent(s)

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

These petitions are directed against orders dated 12.7.2010 and 16.8.2010 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission'). By the first order, the National Commission dismissed as withdrawn the revision filed by the petitioner against order dated 7.4.2010 passed by the State Consumer Disputes Redressal Commission, Maharashtra (for short 'the State Commission'). By the second order, the National

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Commission dismissed the petition filed for review of order dated 12.7.2010.

We have heard learned counsel for the petitioner and perused the record. In our opinion, the special leave petitions deserve to be dismissed with cost.

Undisputedly, the complaint filed by the respondents under Section 12 of the Consumer Protection Act for recovery of Rs.60,000/- deposited by them with the petitioner is pending before the District Consumer Disputes Redressal Forum (for short, 'the District Forum'). By an order dated 26.3.2004, the District Forum allowed the application filed by the petitioner under Section 22(1) of the Sick Industrial Companies

(Special Provisions) Act, 1985 (for short, 'the Act'). After five years, the District Forum fixed 22.2.2009 as the date for filing the written statement by the petitioner. The State Commission dismissed the revision filed by the petitioner by observing that a concerted attempt was made to delay disposal of the complaint. The petitioner challenged the order of the State Commission by filing revision but withdrew the same on 12.7.2010. Thereafter, it applied for review of order dated 12.7.2010, which was dismissed by the National Commission with an observation that the petitioner was adopting dilatory tactics.

In our view, the direction given by the District Forum to the petitioner to file the written statement does not in any manner violate the provisions of Section 22(1) of the Act and the special leave

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petitions are liable to be dismissed as frivolous piece of litigation. Ordered accordingly.

The petitioner shall pay cost of Rs.25,000/-, which shall be deposited with the Maharashtra Legal Services Authority within a period of one month from today.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master