

CORRECTED

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

I.A.NO.74448 OF 2020
(Application for clarification/direction)

IN

REVIEW PETITION (C) NOS. 2186-2187 OF 2016

IN

SPECIAL LEAVE PETITION (C) NOS.4616-4617 OF 2016

NATIONAL INSURANCE COMPANY LTD

Petitioner(s)

VERSUS

M/S FUJIKAWA PAWER

Respondent(s)

O R D E R

The claim made by the respondent was partially accepted by the petitioner - Insurance Company. The respondent approached the National Consumer Disputes Resolution Commission aggrieved by the rejection of major part of the plaint. Notice was issued in the complaint which was served on the Insurance Company on 14.09.2015. As the Insurance Company did not file the written statement within the prescribed extended period the Commission closed the right of Insurance company to file a written statement. The application filed for recall of the order passed by the Commission

closing the right of the petitioner to file written statement was rejected on 18.12.2018. The Special Leave Petition filed by the Insurance Company was dismissed on 20.2.2016. Notice was issued in the Review petition filed by the Insurance Company on the ground that the point relating to the period within which the written statement has to be filed being mandatory was engaging the attention of the Constitution Bench of this Court. Notice was issued subject to the Insurance Company depositing an amount of Rs.25,00,000/- before the Registry of this Court.

By a judgment dated 04.03.2020, the Constitution Bench held that the written statement has to be filed within the period prescribed under Section 13 of the Consumer Protection Act and the Consumer Forum has no power to extend the time.

In view of the judgment of the Constitution Bench, the Review Petitions deserve to be dismissed. The Review Petitions are, accordingly, dismissed. Pending application(s) shall stand disposed of.

The amount of Rs.25,00,000/- (Rupees twenty five lacs only) which is lying in the fixed deposit shall be refunded to the Insurance Company, with interest.

In view of the complaint filed by the respondent being pending for the last 5 years, we direct the National Commission to dispose of the complaint within six months.

.....J.
(L.NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(AJAY RASTOGI)

NEW DELHI,
December 15, 2020.

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.....J.
(L.NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(AJAY RASTOGI)

NEW DELHI,
December 15, 2020.

ITEM NO.2 Court 8 (Video Conferencing) SECTION XVII-A

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

IA 74448/2020, in R.P.(C) Nos. 2186-2187/2016 In SLP(C) Nos.4616-4617/2016

NATIONAL INSURANCE COMPANY LTD Petitioner(s)

VERSUS

M/S FUJIKAWA PAWER Respondent(s)

(IA No. 74448/2020 - CLARIFICATION/DIRECTION)

Date : 15-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

Mr. Hetu Arora Sethi, AOR

For Respondent(s)

Mr. Ashutosh Dubey, AOR

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

The review petitions are dismissed in terms
of the signed order. Pending application(s), if any,
shall stand disposed of.

(B.Parvathi)
Court Master

(Beena Jolly)
Court Master

(Signed order is placed on the file)