

(1999) 10 SC CK 0094

In the Supreme Court Of India

Case No : Civil Appeal No. 10874 Of 1996

Ganesh Polytex Ltd.

APPELLANT

Vs

Transport Corpn. of India Ltd.

RESPONDENT

Date of Decision : 13-10-1999

Acts Referred:

Citation : (2000) 10 SCC 406

Hon'ble Judges : S. Saghir Ahmad, J;R. P. Sethi, J

Bench : Division Bench

Judgement

S.Saghir Ahmad, J.-The Complaint Instituted By The Appellant Before The National Consumer Disputes Redressal Commission On 7-12-1993 Was Disposed Of By The National Commission On 7-6-1996 by the judgment impugned in this appeal by which the parties have been relegated to a civil suit with the observation that the time spent by the appellant before the Commission in pursuing the remedy there would not be counted towards the period of limitation provided for the filing of the suit.

2. DURING the pendency of the case before the National Commission, the parties had filed their pleadings, documents and their affidavits. The Commission had also heard the arguments and had also obtained the written synopsis from the parties. It was at this stage that the Commission held that the parties may better institute a suit in the civil court as the case involved complicated questions of fact.

3. SUCH a controversy was also involved in Amar Jwala Paper Mills (India) v. State Bank of India in which this Court, inter alia, held that:

"4. While we would be reluctant to interfere with an order of the Commission that decides at an initial stage of a complaint that complicated questions of fact and law arise and that, therefore, the complainant must go before a civil court, we cannot be oblivious of the fact that in this case four years have passed and all the evidence has already been led by both sides before the Commission. In the

circumstances, we think that the Commission must itself proceed to hear and decide the complaint."

4. The above observations apply on all fours to the facts of this case where too, after a lapse of three years, the Commission relegated the parties to the remedy of a civil suit.

5. IN view of the above, the judgment passed by the National Commission cannot be sustained and is set aside. The appeal is allowed and the case is remanded to the National Commission to decide it on merits in accordance with law.

6. THERE shall be no order as to costs.