
(2016) 10 NCDRC CK 0049

In the National Consumer Disputes Redressal Commission

Case No : 2819 of 2015

GUJARAT FLUORO CHEMICALS LIMITED

APPELLANT

Vs

KK BHARTIYA & ANR.

RESPONDENT

Date of Decision : 24-10-2016

Acts Referred:

Citation : (2016) 10 NCDRC CK 0049

Hon'ble Judges : D.K. Jain, M. Shreesha

Advocate : Sukumar Pattjoshi, Karun Mehta

Final Decision : Petition Disposed

Judgement

1. This Revision Petition, by the sole Opposite Party in the Complaint, is directed against the order dated 27.04.2015 passed by the Uttar Pradesh State Consumer Disputes Redressal Commission at Lucknow (for short "the State Commission") in Appeal No. 1701 of 2004. By the impugned order, the State Commission has dismissed the Appeal, preferred by the Petitioner against the order dated 25.06.2004, passed by the District Consumer Disputes Redressal Forum at Kanpur (for short "the District Forum") in Complaint Case No. 366 of 2003, inter alia, directing the Petitioner to provide to the Complainants its 400 equity shares, with the short observation that in the absence of any pleading, because of the absence of the Counsel, the Appeal is fit to be dismissed.

2. Since it was not possible to serve the Complainants, the Respondents in this Petition, by ordinary process, vide order dated 06.09.2016, the Petitioner was permitted to serve the Respondents by publication. An affidavit of service has been filed on behalf of the Petitioner Company, by its Authorized Signatory, placing on record the copies of the newspapers, wherein the notices have been issued.

3. We are satisfied that the Respondents have been duly served by publication. However, no one has put in appearance on their behalf. Accordingly, we have heard learned Senior Counsel appearing for the Petitioner.

4. Having perused the impugned order, we are of the view that it deserves to be set aside on the short ground that the order is non-speaking, inasmuch as for coming to the afore-noted conclusion the State Commission has failed to assign any reason whatsoever. In the entire body of the order the State Commission has commented only on the conduct of the Petitioner or its Counsel in not prosecuting the Appeal but ultimately the Appeal has not been dismissed for non-prosecution or in default.
5. It is well settled that the Consumer Fora exercise quasi-judicial powers and, therefore, it is imperative that such a body should arrive at conclusions based on reasons. It has been observed by the Hon"ble Supreme Court that the requirement of recording reasons is "too obvious to be reiterated and needs no emphasis".
6. It is manifest from a bare reading of the impugned order that the State Commission has not given any reason and dismissed the Appeal by a cryptic order.
7. Consequently, the Revision Petition is allowed; the impugned order is set aside; and the Appeal is restored to the board of the State Commission for fresh adjudication on merits by a reasoned order. Till the final order is passed by the State Commission in the Appeal, the operation of the order passed by the District Forum shall remain stayed.
8. The Petitioner/its Counsel is directed to appear before the State Commission on 05.12.2016 for further proceedings.
9. The Revision Petition stands disposed of in the above terms, with no order as to costs.