

(2004) 11 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

KANPUR BOMBAY TRANSPORT COMPANY	APPELLANT
Vs	
ALKON PLASTICS PVT. LTD.	RESPONDENT

Date of Decision : 02-11-2004

Acts Referred:

Citation : 2005 1 CPJ 575

Hon'ble Judges : M.S.Rane , V.K.Data J.

Final Decision : Appeal allowed

Judgement

1. RESPONDENTS present through their Advocate in response to notice before admission issued by us earlier.

2. WE, therefore, proceed to dispose of this application along with appeal at the stage of their admission itself on hearing the learned Advocates for the parties as above and on perusal of the material available in the appeal paper book. At the outset, we wish to state that we do not propose to dwell over the factual aspects as obtained in the matter herein, for that matter merits or demerits of the issues raised or likely to be raised. This is so because the award impugned in this appeal is an ex parte and in interest of justice, we are inclined to remit this matter back to the District Forum for consideration afresh on merits after providing opportunity to the appellants-org. O.Ps. to defend.

Since the reasons assigned by the appellants for their absence before the District Forum does not appeal to the reason, as stated earlier, in interest of justice that we persuade to remit this matter to the District Forum as it is always ideal that the matters are adjudicated on merits.

3. WE are conscious of the facts that inconvenience would be caused to the consumer-respondents herein and we proposed to adequately compensate by award of cost as will be indicated in the operative clauses of our order. ORDER 1. Appeal is allowed and its impugned order dated 10th June, 2003 is set aside. 2. Matter is remitted to the South Mumbai District Forum for consideration afresh on merits in accordance with the provisions of the law and the rules and on

giving proper opportunities to the parties thereunder. 3. Appellants' Advocate shall furnish copy of the order herein to the South Mumbai District Forum immediately. 4. By consent the date of appearance before the South Mumbai District Forum by parties is fixed on 14th December, 2004 on which date the parties shall ensure their appearance before the District Forum without fail and seek the directions with regard to the fixation of date of hearing. 5. WE are providing opportunity to the O.Ps. to file the written statement along with affidavit in support thereof and list of documents before the District Forum on 14.12.2004, copy whereof shall be furnished to the complainant by the same date. 6. Complainant to file rejoinder, if so desire, before the District Forum on 28.12.2004 and copy whereof shall be furnished to the complainant by the same date. 7. It is made clear and distinctly understood to the parties that no further notices for appearance will be required to be issued by the District Forum to the parties. 8. The District Forum shall proceed to dispose of the complaint totally uninfluenced by its earlier findings or any observations of ours in the judgment herein concerning the merits of the matter treating the same as our prima facie views and observations thereof. 9. District Forum to ensure expeditious disposal of the matter after remand. 10. As far as this appeal is concerned, appellants shall pay cost to be complainant quantified at Rs. 1,500/-. 11. Office shall furnish copies of the order to the parties.

Appeal allowed.