

(2016) 09 AP CK 0060
In the Andhra Pradesh High Court
Case No : Writ Petition No. 30042 of 2016

Nannapaneni Sreeramamurthy

APPELLANT

Vs

M/s. Nava Nirmana Engineering and Infratech a Pvt. Ltd.

RESPONDENT

Date of Decision : 07-09-2016

Acts Referred:

Consumer Protection Act, 1986 — Section 12, Section 13, Section 13(3A), Section 14, Section 18

Citation : (2017) 1 ALT 18 : (2017) 1 AndhLD 393 : (2017) 1 HLT 54

Hon'ble Judges : Mr. C. V. Nagarjuna Reddy and Mr. G. Shyam Prasad, JJ.

Bench : Division Bench

Advocate : Mr. N. Subba Rao for Mr. M. Koteswara Rao, Advocates, for the Petitioners

Final Decision : Disposed Off

Judgement

Mr. C.V. Nagarjuna Reddy, J. - The petitioners, feeling deceived by respondent Nos. 1 and 2, who sold a residential flat to them and allegedly received the entire sale consideration, approached respondent No. 3- Telangana State Consumer Redressal Commission for multiple reliefs.

2. From a perusal of the docket proceedings, it is evident that the petitioners' complaint was registered as CC. No. 49 of 2016 and is being adjourned from time to time. Till date, the case underwent as many as nine adjournments from 16.03.2016. The docket proceedings filed by the petitioner further reveal that the only ground on which the case is being adjourned from time to time is the failure of respondent Nos. 1 and 2 in entering appearance and filing their version.

3. Under Section 13(3A) of the Consumer Protection Act, 1986 (for short "the Act"), every complaint shall be heard as expeditiously as possible and an endeavour shall be made to decide the complaint within a period of three months from the date of receipt of notice by the opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

4. Under the first proviso thereof, no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.
5. Under Section 18 of the Act, the provisions of Sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.
6. The legislative intent in prescribing the time limit for disposal of cases by the District Forum and the State Consumer Redressal Commission is to secure prompt relief to the victims of the unscrupulous service providers. From the facts pleaded by the petitioners and supported by the docket proceedings, it is evident that the period of three months stipulated by the Act, expired in June 2016 itself and that in spite of expiry of nearly six months from the date of registration of the complaint, no progress has been made in the disposal of the same. In these facts and circumstances of the case, respondent No. 3 is directed to dispose of the complaint of the petitioners positively on or before 31-12-2016.
7. Subject to the above direction, the Writ Petition is disposed of.
8. As a sequel to disposal of the Writ Petition, WPMP. No. 37164 of 2016, filed by the petitioners for interim relief, is disposed of as in fructuous.