
(2005) 07 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

Ramesh Choprarevisioni

APPELLANT

Vs

Cossets Marketing Pvt Ltd

RESPONDENT

Date of Decision : 15-07-2005

Acts Referred:

Citation : 2005 4 CPJ 249 : 2006 1 CLT 156

Hon'ble Judges : K.K.SRIVASTAVA , DEVINDERJIT DHATT J.

Judgement

1. WE have heard Mr. B. K. Gupta, authorised representative of the revisionist applicant. The impugned order of the District Consumer Disputes Redressal Forum -II, U.T., Chandigarh (for short hereinafter to be referred as District Forum) reads as under: "Present: Complainant in person. Sh. D.K. Singhal, Adv. for O.P. 2. O.P. 1 already ex parte. Dated the 25th day of April, 2005 Learned Counsel for the O.P. 2 prays for adjournment for filing power of attorney and written statement. Let the same be filed by him on 26.5.2005. Sd/ - Sd/ - Member Member District Forum -II District Forum -II U.T., Chandigarh U.T., Chandigarh."

2. A bare perusal of this order will go to show that it does not decide any right of the parties pending the adjudication of the consumer complaint and consequently, the impugned order is not revisable. Mr. B.K. Gupta, authorised represen -tative of the revisionist next submitted that the District Forum, despite his objection, allowed the written statement to be filed by O.P. No. 2 who filed the same after 11 dates of adjournment and as such it committed illegality in allowing the written statement to be placed on record of the consumer complaint.

3. SO far as the order passed against which this revision has been filed does not show any written statement of the concerned O.P. having been taken on record. Even assuming for the sake of argument that the District Forum has allowed the written statement to be filed beyond the prescribed period of time under Section, 13 (3A) of the Consumer Protection Act, 1986 as amended, the same cannot be said to be contrary to law. The Honble Apex Court settled the law on this point in the case of Topline Shoes Ltd. v. Corporation Bank, II (2002) CPJ 7 (SC)=2002

CTJ 682 (SC), wherein it has been held in Para 9, interalia, that.....
"Normally the Forum or Commission would act in accordance with the provision relating to procedural matters and while considering the question whether any further time may or may not be granted, it would be relevant to take into account the limit placed for extension of time in accordance with the provisions of the Act. In the absence of any penal consequences to follow, it will not be open for the appellant to content that the reply filed by the respondent within the time granted through beyond 45 days, is liable to be rejected."

4. THE Honble Apex Court further held in Para 11, interalia, that ".....
This provision envisages that the proceedings may not be prolonged for a very long time without the opposite party having filed his reply. No penal consequences have, however, been provided in case extension of time exceeds 15 days. Therefore, it could not be said that any substantive right accrued in favour of the appellant or there was any kind of bar of limitation in filing of the reply within extended time though beyond 45 days in all. The reply is not necessarily to be rejected. All the facts and circumstances of a case must be taken into account. The provision is thus procedural. The statement of objects and reasons of the Act also provides that the principles of natural justice have also to be kept in mind. Resultantly, we find this revision firstly not maintainable and secondly the impugned order not contrary to the settled principles of law. The impugned order thus cannot be said to have been passed in wrongful exercise of jurisdiction vested in the District Forum. The revision is dismissed in limine. Copies of this order be sent to the parties free of charge. Revision dismissed.