

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7979-7980 OF 2019
(Arising out of SLP(Civil) Nos.24533-24534 of 2019)
(Diary No.35128 of 2019)

EMAAR MGF LAND LTD & ANR.

APPELLANT(S)

VERSUS

BALVINDER SINGH

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

These present appeals are directed against the orders of the National Consumer Disputes Redressal Commission (hereinafter referred as "Commission") dated 12.10.2018 and 18.07.2019. The appeal filed by the present appellants was dismissed by the Commission vide order dated 12.10.2018 which reads as follows:

"In the forenoon session the learned proxy counsel for the appellants Mr. Mishra Raj Shekhar, Advocate made a mention on behalf of the learned counsel, Mr. Arjun Jain, Advocate and requested for adjournment. He undertook to inform the learned counsel for the respondent - complainant about the request for adjournment.

In the afternoon session learned counsel for the respondent - complainant along with the complainant Mr. Balvinder Singh informed that they were present throughout the day and that they have no information of adjournment being sought by the appellants.

They also submitted that pursuant to the Order dated 04.09.2017, the appellants have not paid the amount of Rs.5,000/- to cover to and fro and allied expenses

Learned proxy counsel for the appellants submitted that the matter will be verified and the position informed.

We perused the material on record, including, specifically, the application for condonation of delay, reply thereto, and earlier daily order-sheets dated 04.09.2017, 05.03.2018 and 02.08.2018 (including presence of the counsels for the parties on the said dates). We heard learned counsel for the respondent-complainant and the complainant in person. We also heard Mr. Aditya Narain, Advocate, who had earlier appeared for the appellants on 04.09.2017, 05.03.2018 and 02.08.2018. He inter alia submitted that he does not have instructions to represent the appellant/learned counsel for the appellant today (i.e. on 12.10.2018).

The instant appeal is dismissed.

Reasoned judgment will follow."

It appears that soon thereafter on 22.10.2018 the appellants filed an application for review of the order dated 12.10.2018 and this application was rejected on 18.07.2019 on the ground that since the main appeal has been dismissed and reasons are yet to be given the review application is not maintainable and was therefore dismissed.

We have been informed by learned counsel for the parties that till date reasons, pursuant to the order dated 12.10.2018, have not been given by the Commission, though more than a year has been passed. We cannot appreciate this system of adjudicating appeals whereby an

appeal is dismissed without giving reasons and reasons are not given for such a long period of time.

The review application itself was finally decided on 18.07.2019 and it is apparent that, at least, till 18.07.2019 no reasons had been given. This is not the way the Commissions are required to function. These Commissions have been set up with a view to give quick relief to the parties and if reasons are not given for years on end then the whole purpose of setting up such Commissions is thwarted.

As far as the present case is concerned, learned counsel for the appellants appearing before the Commission has filed an affidavit stating that he had telephonically communicated the opposite counsel that he would be requesting for an adjournment and also sent a text message, on the next day, regarding the request for adjournment. It appears also from the order dated 12.10.2018 that in the first part of the day request for adjournment was made and the said request was directed to be communicated to the other side. Learned counsel for the respondent controverts the allegations made. Keeping in view the nature of allegations and counter allegations, we refrain from entering into the factual aspect of the dispute which may cause embarrassment to either counsel.

We, however, feel that the appeal before the Commission should have been decided on merits. We,

therefore, set aside both the orders of the Commission subject to payment of costs of Rs.50,000/- to be paid to the respondent within two weeks from today. The counsel for the parties are directed to appear before the Commission on 06.11.2019, whereafter the Commission shall dispose of the appeal, after hearing both the sides, as expeditiously as possible.

The appeals are allowed in the aforesaid terms.

.....J.
(DEEPAK GUPTA)

.....J.
(SURYA KANT)

New Delhi;
October 14, 2019

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL).... Diary No(s).35128/2019

(Arising out of impugned final judgment and order dated 12-10-2018 in FA No.1631/2017, 18-07-2019 in RA No.368/2018 passed by the National Consumers Disputes Redressal Commission, New Delhi)

EMAAR MGF LAND LTD & ANR.

Petitioner(s)

VERSUS

BALVINDER SINGH

Respondent(s)

(IA No.151115/2019-CONDONATION OF DELAY IN FILING)

Date : 14-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Kabir Dixit, AOR

Mr. Arjun Jain, Adv.

Mr. Sourish Bagchi, Adv.

For Respondent(s)

Mr. Amrendra Kumar Mehta, AOR

Mr. Polly Shera, Adv.

Mr. Sudhir Kr. Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)