

ITEM NO.11                      Court 4 (Video Conferencing)                      SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).8648/2020

(Arising out of impugned final judgment and order dated 28-02-2020 in CC No. 1223/2016 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S L.M. JEWELLERS

Petitioner(s)

VERSUS

THE ORIENTAL INSURANCE COMPANY LIMITED & ANR.

Respondent(s)

(WITH IA No.65234/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65238/2020-EXEMPTION FROM FILING AFFIDAVIT )

Date : 14-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)    Mr. Nikhil Jain, AOR

For Respondent(s)

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

- 1        On 28 February 2020, the National Consumer Disputes Redressal Commission<sup>1</sup> adjourned the hearing of a consumer complaint<sup>2</sup> to 5 January 2021. The submission of the petitioner who is the complainant before the NCDRC is that an adjournment of nearly a year defeats the purpose of the Consumer Protection Act 1986<sup>3</sup>.
- 2        In order to justify the invocation of the jurisdiction of this court under Article 136, Mr Nikhil Jain, learned counsel appearing on behalf of the petitioner, submitted,

---

1        NCDRC

2        Consumer Complaint No 1223 of 2016

3        Act

on the basis of a compilation containing similar orders of the NCDRC, that such orders are being passed by the NCDRC as a matter of routine course. He indicated that, for instance on 26 February 2020, the hearing of Consumer case No 36 of 2008 was adjourned to 3 March 2021, when a request was made on the ground that the arguing counsel was unwell. The submission of the learned counsel for the petitioner is that a pattern has emerged of granting long adjournments in consumer complaints thereby defeating the object and purpose of the Act.

3. This Court is cognizant of the fact that several tribunals suffer from a lack of adequate infrastructure including of judges to discharge adjudicatory functions. Hence, the Presiding Judges allocate dates on the basis of a realistic assessment of when cases can be disposed of when they are listed for final disposal. At the same time, since a grievance of the above nature has been made before this Court, we consider it proper and appropriate to request the President of the NCDRC to look into the grievance and to take an institutional decision on the administrative side. This is an issue on which, it is only proper and appropriate that this Court should defer to the administrative authority of the President of the NCDRC to ensure that the allocation of work and disposal of cases takes place in a streamlined manner.
- 4 We accordingly leave it open to the learned counsel for the petitioner to draw the facts which have been adverted to in the course of these proceedings to the attention of the Hon'ble President of the NCDRC for such appropriate steps as may be necessary having regard to the need to fulfill the object and purpose of the Act.
- 5 The Special Leave Petition stands disposed of.

6 Pending applications are disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**