

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

FIRST APPEAL NO. 559 OF 2017

(Against the Order dated 24/12/2016 in Complaint No. 32/2016 of the State Commission
Chhattisgarh)

1. RENAULT INDIA PVT. LTD.

THROUGH ITS MANAGING DIRECTOR, 37-38, 4TH
FLOOR, ASV RAMANA TOWERS,
VENKATNARAYAN ROAD, T NAGAR,
CHENNAI-600017

.....Appellant(s)

Versus

1. SWATI AGARWAL & 2 ORS.

W/O. SH. ROHIL GUPTA, R/O. S 7/K7,
VASUNDHARA VIHAR, BODHANPUR,
AMBIKAPUR, SURGUJA,
DISTT. SURGUJA,
CHHATTISGARH-497001

2. MAHADEV CARS PVT LTD.

THROUGH ITS MANAGING DIRECTOR, RING
ROAD, NO. 1, RAIPUR,
DISTRICT-RAIPUR,
CHHATTISGARH-492001

3. MAHADEV CARS PVT. LTD.,

WORK SHOP-17A-18B, SECTOR-C, SIRGITTI,
OPPOSITE A.S. FUN,
DISTRICT-BILASPUR,
CHHATTISGARH-495004

.....Respondent(s)

BEFORE:

HON'BLE MRS. M. SHREESHA, PRESIDING MEMBER

For the Appellant : Md. Zaryab J. Rizvi, Advocate

Mr. Ashuthosh Shandilya, Advocate

Ms. Ishita Nagpaul, Advocate

For the Respondent : Mr. Rohil Kumar Gupta, Husband of R-1

Dated : 01 Aug 2017

ORDER

IA No. 3998 of 2017 (Application for condonation of delay)

Learned Counsel appearing for the Appellant submits that the delay of 35 days in filing the present Appeal has been caused on account of time taken in obtaining the approval and processing of paper-work in the Appellant's office and also because they had originally drafted a Revision Petition, challenging the impugned order, and when it was brought to their knowledge that an Appeal was required to be filed as per the procedural requirements, in view of orders passed by this Commission in First Appeal No. 493 of 2013, and, therefore, the Appellant filed the present Appeal, exceeding the prescribed limitation of 30 days.

In view of the above, the delay of 35 days in filing the Appeal is condoned.

Appeal

It is observed from the record that vide its order dated 24.12.2016 the State Commission closed the right of the Appellant, namely, Renault India Pvt. Ltd., of filing Written Version. The learned Counsel has submitted that Respondents No.2 and 3, who are the Dealers of the Appellant, have filed their Written Version, but as the Appellant herein did not file its Written Version within the period of 10 days time, which was granted by the State Commission as a final opportunity, its right was forfeited.

Respondent No.1/Complainant is represented by her husband, who is present in person.

Having heard learned Counsel for the Appellant and in view of the fact that the Complainant is the affected party and she has no objection in giving an opportunity to the Appellant for filing their Written Version before the State Commission, however, on some terms, as also bearing in mind the ratio of the decision of the Hon'ble Supreme Court in Reliance General Insurance Co. Ltd. and Anr. V. M/s Mampee Timbers and Hardwares Pvt. Ltd. and Anr. (Civil Appeal No. nil of 2017 - D.No. 2365 of 2017), I am of the view that the Appellant has made out a case for grant of an opportunity to file its Written Version. I order accordingly, subject to costs of 35,000/-, which shall be remitted directly to the Complainant before 16.08.2017, on which date the case is posted before the State Commission.

Since it is submitted by the learned Counsel appearing for the Appellant that the Written Version on its behalf has already been filed before the State Commission, the State Commission is requested to take the same on record and give four weeks' time to the Complainant to file rejoinder and additional affidavit of evidence.

Since this matter pertains to a vehicle, which was purchased in the year 2013, the State Commission is requested to dispose of the matter expeditiously within six months from the date of receipt of a copy of this order.

In view of the above, the Appeal is allowed and the order of the State Commission is set aside.

The parties/their Counsel are directed to appear before the State Commission on the date fixed, i.e. 16.08.2017, for further proceedings.

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M. SHREESHA
PRESIDING MEMBER

