

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.254 OF 2009
(Arising out of S.L.P. (C) No.178 of 2009)

New India Assurance Co. Ltd.

...Appellant(s)

Versus

Esys Information Technologies Ltd.

...Respondent(s)

With Civil Appeal Nos.255-256/2009 in S.L.P. (C) Nos.926-927 of 2009

O R D E R

Leave granted.

Heard learned counsel for the parties.

The State Consumer Disputes Redressal commission, Delhi [for short, “State Commission”] summarily dismissed two complainants filed by the respondent by separate orders without even issuing notices to the respondent before it (appellant herein). By the impugned orders, the National Consumer Disputes Redressal Commission [for short, the Commission'] allowed the appeals on merits and directed the appellant to pay the specified amount to the respondent. In our view, when the complaints were summarily dismissed by the State Commission without even issuing notice to the respondent before it and the National Commission was of the view that the dismissal was not justified, then it should have remanded the matter to the State Commission for deciding the matter on merits.

...2/-

Accordingly, the appeals are allowed, impugned orders are set aside and the matters are remitted to the State Commission to decide the complaints on merits in accordances with law after giving opportunity of hearing to the parties.

Let hearing of the complaints by the State Commission be expedited.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
January 16, 2009.