

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.44706 of 2016

22.12.2016

Between:

M/s. Asset Reconstruction Company (India) Limited (Arcil),
Secunderabad

..Petitioner

And

The Registrar,
Telangana State Consumer Disputes Redressal Commission,
Hyderabad and another

..Respondents

Counsel for the petitioner: Mr.S.Maruthi Rao for Mr.R.Rajendra Prasad

Counsel for the respondents: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Respondent No.1 in C.C.No.212 of 2015 on the file of the Telangana State Consumer Disputes Redressal Commission, Hyderabad, (for short 'the State Commission') filed this writ petition with the grievance that the State Commission has not been disposing of the application filed for vacating the *ex parte* interim order, dated 02.12.2015, in C.C.I.A.No.493 of 2015 in C.C.No.212 of 2015.

2. Mr.R.Rajendra Prasad, learned counsel for the petitioner, has submitted that the action complained of by respondent No.2 before the State Commission is not amenable for adjudication under the Consumer Protection Act, 1986 and that he can only avail appropriate remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the Debts Recovery Tribunal. In support of his submission, he has placed reliance on the decisions in Central Bank of India vs. Ram Chandra Sahoo and others¹ and Punjab National Bank vs. Consumer Disputes Redressal Forum and others². The learned counsel has further submitted that though the petitioner has filed the application for vacating the *ex parte* interim order as far back as 28.12.2015, the State Commission has not been disposing of the same and instead, is insisting on the petitioner to go ahead with the main case.

3. Inasmuch as the vacate stay application filed by the petitioner is stated to be pending before the State Commission, we are not inclined to delve into the issue as to whether C.C.No.212 of 2015 filed by respondent No.2 before the State Commission is maintainable or not. However, we

¹ AIR 2011 ORISSA 164

² 2011 Law Suit (Ker) 1192

strongly feel that when an application for vacating the *ex parte* order is filed by the opposite party, it is obligatory on the part of the State Commission to dispose of such application by passing a speaking order. As the State Commission has not adhered to this procedure, the Writ Petition is disposed of with the direction to it to dispose of I.A.No.203 of 2016 filed by the petitioner in C.C.No.212 of 2015 as expeditiously as possible and not later than, one month from the date of receipt of a copy of this order.

4. As a sequel to disposal of the writ petition, W.P.M.P.No.55137 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

22nd December, 2016
GHN