

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(110)

CWP-5606-2017

Decided on: March 20, 2017.

Medistar Hospital and others

.... Petitioners

Versus

**Presiding Judicial Member, Punjab State Consumer Commission
and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kanwar Pahul Singh, Advocate, for the petitioners.

M.M.S. BEDI, J (ORAL)

Learned counsel for the petitioners submits that as per the recent judgment of Supreme Court in Reliance General Company Ltd. and Another Vs. M/s Mampee Timbers and Hardwares Pvt. Ltd. and Another in Civil Appeal Diary No.2365 of 2017 decided on 10.02.2017, during pendency of the decision of larger Bench in **M/s Bhasin Infotech and Infrastructure Pvt. Ltd. Vs. M/s Venezia Buyers Association (Regd.) in Civil Appeal No.1083-84 of 2016**, it will be open to the Forums under the Consumer Protection Act, 1986 to accept the written statements filed beyond the stipulated period of 45 days in an appropriate case, on suitable terms, including the payment of costs, and to proceed with the matter.

The present writ petition is disposed of with a direction that order dated 27.02.2017 passed by State Consumer Disputes Redressal Commission, Punjab, Sector 37-A, Chandigarh and the order passed by the District Consumer Forum, Amritsar dated 02.12.2016 debarring the petitioners from filing written version, are hereby set aside subject to the

petitioners filing the written statement (written version) before District Consumer Forum by next date of hearing i.e. 07.04.2017 subject to payment of costs of Rs.50,000/-.

It is observed that the petition has been disposed of in limine in the light of the observations of the Supreme Court in above said judgments subject to the final decision of the larger Bench and to avoid unnecessary litigation expenses of respondents No. 4 and 5 who have already lost bread earner of their family. In case, the order is not acceptable to respondents No. 4 and 5, it will be open to them to approach this Court for review of the order.

It is made clear that in case the reply is not filed or costs is not paid by 07.04.2017, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

March 20, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No