

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WP.No.38413 of 2013

Date:21.06.2018

Between.

M/s Tata Teleservices Limited,
reptd by its Enterprise Business,
Hyderabad.

....Petitioner

And.

AP State Consumer Disputes Redressal
Commission, Hyderabad, reptd., by its
Registrar and another.

.....Respondents

Counsel for the petitioner: Mr. P.Sudheer Rao

Counsel for respondent No.1: AGP for Civil Supplies

Counsel for respondent No.2: None appeared

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by order, dated 07.11.2013, in CCIA.No.2216 of 2013 in CC.No.83 of 2013, of the Andhra Pradesh State Consumer Disputes Redressal Commission, Hyderabad (for short 'the State Commission'), the opposite party in the aforementioned complaint filed this Writ Petition.

By the aforementioned order, the State Commission has dismissed the CCIA filed by the petitioner seeking permission to file written version in CC.No.83 of 2013, filed by respondent No.2, on the ground that as per the law declared by the Supreme Court, the State Commission does not have the power to recall or review or set aside its own order.

Though respondent No.2 has entered appearance through a counsel, he is not present at the hearing. Even on 03.4.2014, when the case was last posted, there was no representation for respondent No.2.

We have heard Mr. P.Sudheer Rao, learned counsel for the petitioner, and perused the record.

A perusal of the impugned order shows that as the petitioner has not filed its written version since 25.7.2013, the State Commission has ordered the next step and accordingly, adjourned the case to 13.9.2013 for filing of affidavit evidence by respondent No.2.

As rightly argued by the learned counsel for the petitioner, the State Commission has not specifically forfeited the right of the petitioner to file its written version. It may, however, be implied from the tenor of the impugned order that it has made such forfeiture. Be that as it may, considering the fact that the State Commission has no power to recall or review its own order and having regard to the fact that respondent No.2 has neither contested the Writ Petition by filing a counter-affidavit nor its counsel being present during two successive hearings, in order to give a fair opportunity to the petitioner to contest the said CC on merits, we are inclined to allow the Writ Petition.

The Writ Petition is, accordingly, allowed and the impugned order is set aside. The petitioner is permitted to file its written version in original in CC.No.83 of 2013 before respondent No.1 within one month from today. On such filing, respondent No.1 shall receive the same and dispose of CC.No.83 of 2013 on its own merits after hearing both parties.

As a sequel to disposal of the Writ Petition, interim order, dated 27.12.2013, is vacated and WPMP.No.47745 of 2013 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNAREDDY

JUSTICE GUDISEVA SHYAM PRASAD

21st June, 2018

DR