

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

WRIT PETITION No.20775 of 2017

Date: 19.07.2018

Between :

M/s. Narne Estates Private Limited
Secunderabad

... Petitioners

And

Bonthu Brahma Reddy and others.

... Respondents

COUNSEL FOR PETITIONER : Mr. Raja Reddy Koneti

COUNSEL FOR RESPONDENTS : Mr. P. Giri Krishna for R1
AGP for Civil Supplies for R2 & R3

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed assailing the order dated 01.06.2017 in FAIA.No.532/2017 in FA.No.212/2017 on the file of respondent No.2 – Telangana State Consumer Disputes Redressal Commission, Hyderabad (for brevity “State Commission”).

While admitting the writ petition on 29.06.2017, this Court has passed the following order in WPMP.No.25492 of 2017:

“A perusal of the order of respondent No.2 *prima facie* shows that it has exceeded its jurisdiction by directing the petitioner to comply with the final orders passed in C.C.No.295 of 2007, which, in our opinion, is beyond the scope of the power vested in it under Section 27 of the Consumer Protection Act, 1986. Moreover, when the very appeal is filed questioning the order passed in C.C.No.295 of 2007 on the file of respondent No.3, we do not find any justification for respondent No.2 to limit the stay for two weeks and force the petitioner to comply with the order in C.C.No.295 of 2007, without rendering any findings on even the *prima facie* merits of the case. Hence, there shall be stay of all further proceedings in pursuance of order, dated 08.05.2017 in E.A.No.83 of 2007 in C.C.No.295 of 2007 on the file of respondent No.3 – Forum pending further orders.”

As the impugned order dated 01.06.2017 is wholly unsustainable for the reasons already mentioned in the order dated 29.06.2017, as reproduced above, Mr. P. Giri Krishna, learned counsel for respondent No.1, has fairly submitted that as the appeal is pending before respondent No.2 – State Commission, the writ

petition may be disposed of with a direction to it to dispose of the appeal within a time frame.

In the above facts and circumstances of the case, the impugned order dated 01.06.2017, to the extent that respondent No.2 has directed the petitioner to comply with the order in E.A.No.83/2007 in C.C.No.295/2007 on the file of the District Forum-I, Hyderabad, subject to the rider that on failing to do so, the impugned order granting suspension shall automatically stand vacated, is set aside. This shall necessarily mean that the order of the District Forum-I shall remain suspended, pending disposal of the appeal. Respondent No.2 – State Commission is directed that it shall make endeavour to dispose of the appeal, as expeditiously as possible.

The writ petition is accordingly allowed, to the extent indicated above. No order as to costs.

As a sequel to the allowing of the writ petition, WVMP.No.3578 of 2017 and WPMP.No.25492 of 2017 shall stand disposed of in terms thereof.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

19.07.2018.

Msr

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