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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM (M) 6/2020 & CM APPL. 234/2020**

DR SYAMASIS BANDYOPADHYAY Petitioner
Through: Mr. Sugata Shankar Roy, Advocate.
(M:9903687915)
versus

DR KALYANI DAS SARKAR & ORS. Respondents
Through: Mr. Sanjoy Kumar Ghosh and Ms.
Rupali S. Ghosh, Advocates for R-2.
(M:9810097983)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **07.01.2020**

1. The grievance of the Petitioner is that the National Consumer Disputes Redressal Commission (*hereinafter* 'NCDRC') has been repeatedly granting adjournments since 2017 for filing of a rejoinder by the Complainant. The Petitioner relies upon the orders dated 27th April, 2017, 20th June 2017, 13th November 2017, 20th February 2018, 13th December 2018, 23rd January 2019, 3rd April 2019, 1st August 2019, 6th August 2019 & 20th September 2019 when repeated adjournments have been granted on one ground or the other for filing a rejoinder and a proper rejoinder with a proper affidavit. The grievance of the Petitioner is that in this manner the decision in the complaint is being delayed for no reason and fault of the Petitioner or the Hospital.

2. It is prayed that directions be issued for hearing of the matter by the NCDRC. A perusal of the orders dated 1st August, 2019 and 6th August, 2019 shows that there is some confusion being created as to who, in fact,

appears for the Complainant and who is to file the rejoinder. It is stated that the matter is now listed before the NCDRC on 22nd January, 2020.

3. It is, accordingly, directed that irrespective of whether the rejoinder has been filed properly by the Complainant or not and whether the same is on record or not, the complaint shall be heard finally on the said date. No further accommodation shall be granted to the Complainant to file rejoinder and the complaint shall be proceeded with in an expeditious manner in accordance with The Consumer's Protection Rules, 1987 and the Consumer Protection Act, 1986. The NCDRC shall also pass orders making it clear as to who is representing the Complainant in order to ensure that there is no confusion in respect of service of the pleadings and leading of evidence by the Complainant.

4. The *Vakalatnama* by the Ld. Counsel for the hospital be filed within 10 days from today.

5. The petition along with the pending application is disposed of in the above terms.

PRATHIBA M. SINGH, J.

JANUARY 07, 2020/dk