

ITEM NO.7 Court 13 (Video Conferencing)

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 18333/2021

(Arising out of impugned final judgment and order dated 27-09-2021 in IA No. 3621/2021 passed by the National Consumers Disputes Redressal Commission, New Delhi)

MANOHAR INFRASTRUCTURE AND CONSTRUCTIONS
PRIVATE LIMITED

Petitioner(s)

VERSUS

SANJEEV KUMAR SHARMA & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 22-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Deepak Goel, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The question of law which is posed for consideration before this Court is whether the National Commission can pass an order to deposit the entire amount and/or any amount higher than the 50% of the amount in terms of the order of the State Commission while, entertaining the appeal in view of Section 51 of the Consumer Protection Act, 2019. Section 51 of the Consumer Protection Act, 2019 provides that no appeal by a person, who is required to pay any amount in terms of order of the State Commission shall be entertained by the National Commission unless the appellant has deposited 50% of that amount in the manner as may be prescribed. The question is whether the same can be said to be the minimum amount to be deposited by the appellant before

contd..

his appeal is entertained by the National Commission. Whether the same proviso bars and/or precludes the National Commission from passing an order on the stay application directing the appellant to deposit any amount higher than the 50% ?

Shri Siddartha Dave, learned senior counsel prays for time to prepare on the aforesaid point and assist the Court.

Put up on 29.11.2021.

(NEETU SACHDEVA)
COURT MASTER (SH)

(V.M. BHATNAGAR)
BRANCH OFFICER