

SUPREME COURT OF INDIA

Shiv Sai Construction

Vs.

Libord Infotech Ltd.

C.A.No.835 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

09.02.2009

ORDER

Leave granted.

Heard learned counsel for the parties.

1. By the impugned order, the National Consumer Disputes Redressal Commission [for short, 'the National Commission'] dismissed the appeals filed by the appellant against the temporary injunction granted by *Consumer Disputes Redressal Commission, Maharashtra [for short, 'the State Commission']* in Miscellaneous Petitions No. 2561,2562 and 2564 of 2003 in Consumer Complaints No. 30,31 and 33 of 2001.

2. In the petitions for special leave it has been averred that the appeals were fixed on 16th November, 2007 only for directions and not for final disposal and without hearing the appellant, the National Commission dismissed the appeals and directed the State Commission to dispose of the complaints. In the Counter Affidavits filed on behalf of the respondent this assertion has not been denied. This being the position, the impugned order is liable to be set aside.

3. Accordingly, the appeals are allowed, impugned order is set aside and the matters are remitted to the National Commission for disposal of the appeals in accordance with law after giving opportunity of hearing to the parties.