**NEW INDIA ASSURANCE CO. LTD. vs. HILLI MULTIPURPOSE COLD STORAGE PVT. LTD**

Supreme Court of India March 04, 2020

**Bench:**

Justice Arun Mishra, Justice Indira Banerjee, Justice Vineet Saran, Justice M.R Shah & Justice S. Ravindra Bhatt

**Legislation Cited**

1. Section 13, The Consumer Protection Act, 1986
2. Section 13(2)(a), The Consumer Protection Act, 1986
3. Section 13(2), The Consumer Protection Act, 1986
4. Section 24A, The Consumer Protection Act, 1986

**Case Digest**

**Summary**: Initially, during this case a Two Judge Bench condoned the delay of more than 45 days and allowed the appeal visible of the difficulty that J. Merchant Vs. Shrinath Chaturvedi has been deliberated on and a distinct view has been taken on the question of limitation.

Also this bench observed that as this dilemma of law required solution, these appeals are needed to be run to larger bench and thanks to this later this case was heard by a three-judge bench. Subsequently, the matter was placed before the aforementioned new bench so as to establish whether the law laid down in J. J. Merchant case still held the sector or whether the law has been mutated in relevance to the Judgment given in Kailash Vs. Nankhu

Therefore, the said Three Judge Bench ruled that no party should receive more than 45 days for replying to a Complaint. The court reiterated that the District Forum can grant an additional period of 15 days to the alternative party for filing his version or reply and not beyond that.

An appeal was later filed in Supreme Court.

**Issue:** (a) Whether the District Forum has the power to extend the time for filing the response beyond the period of 15 days, in addition to 30 days as mandated by Section 13(2)(a) of the Act?

b) What would be the commencing point of limitation of 30 days stipulated under Section 13 of the Act?

**Judgement:** The Constitution Bench of the SC had settled the respective conflicts under the Consumer Protection Act with reference to the limitation period for filing a reply to a complaint. The SC held that the prescribed time for filing a reply to the complaint under Section 13(2)(a) of the Consumer Protection Act is mandatory and thus alterations cannot be made on whims and fancies. The Court further held that the time to file a reply starts from the date of receipt of the notice together with the complaint by the other party. This order was lapsed by the SC per the most object of the Act i.e. speedy redressal of consumer disputes.