

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3396 OF 2007

M/S. RESURGERE M & M INDIA LTD.

Appellant(s)

VERSUS

M/S. SUN PHARMACEUTICAL INDUSTRIES

Respondent(s)

O R D E R

1. Heard the learned counsel for the parties.
2. This appeal is directed against the judgment and order dated 23rd May, 2007 passed by the National Consumer Disputes Redressal Commission, New Delhi, ("National Commission", for short) in Original Petition No.196 of 1995.
3. We have perused the impugned judgment passed by the National Commission. From the impugned judgment it is revealed that the appellant herein did not appear before the National Commission. Learned counsel for the appellant submits that because of the change in the management of the

appellant Company, proper instructions could not be given to the counsel appearing for the appellant before the National Commission.

4. On a consideration of the totality of facts and circumstances of this case, we deem it appropriate that in consonance with the principles of natural justice, the appellant deserves an opportunity of hearing subject to the appellant's adequately compensating the respondent for the time being. Consequently, we set aside the impugned judgment passed by the National Commission and remit the matter to the National Commission for deciding afresh the case of the appellant on merit after hearing counsel for both the parties. However, this opportunity would be granted to the appellant subject to payment of Rs.5 lakhs to be paid to the respondent (complainant before the National Commission) within four weeks from today.

5. Since a few years have been lost in this matter because of the appellant filing an appeal before this Court, we request the National Commission to decide this case as expeditiously as

possible.

6. The payment made by the appellant to the respondent in pursuance to the directions of the National Commission will be subject to the final orders to be passed by the National Commission.

7. This appeal is disposed of accordingly.

.....J
(DALVEER BHANDARI)

.....J
(DIPAK MISRA)

New Delhi;
February 28, 2012.

JUDGMENT