

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**FIRST APPEAL NO. 2358 OF 2019**

(Against the Order dated 22/04/2019 in Complaint No. 248/2019 of the State Commission Telangana)

1. CREDIT INFORMATION BUREAU (INDIA) LTD.  
REP. BY ITS CHIEF EXECUTIVE OFFICER, HAVING ITS  
OFFICE AT HOECHST HOUSE, 6TH FLOOR, 93, BACKBAY  
RECLAMATION, NARIMAN POINT,  
MUMBAI-4000121

.....Appellant(s)

Versus

1. SRIKANT VAIRAGARE & 2 ORS.  
S/O. MR. V. PRABHAKAR RAO, R/O. H NO. 2-2-1137/3/1/C/1,  
NEW NALLAKUNTA  
HYDERABAD

2. M/S. ICICI BANK LIMITED  
REP. BY ITS REGIONAL MANAGER, HAVING ITS OFFICE  
AT 46, GANDHI MANDAPAM, KOTHURPURAM,  
CHENNAI-600085

3. M/S. ICICI BANK LIMITED  
REP. BY ITS REGIONAL HEAD, BEGUMPET,  
HYDERABAD

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. DINESH SINGH, PRESIDING MEMBER  
HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, MEMBER**

**For the Appellant :** Ms. Varnali Purohit, Advocate

**For the Respondent :** For the Respondent No.1 : Ms. Ruchi Khurana, Advocate with  
Ms. Roma Singh, Advocate

For the Respondents No.2 & 3 : Proforma Parties

**Dated : 03 Jan 2023**

**ORDER**

1. This appeal has been filed under section 19 of The Consumer Protection Act, 1986 in challenge to the Order dated 22.04.2019 of the State Commission in complaint no. 248 of 2019.

2. We have heard the learned counsel for the appellant (i.e. the opposite party no. 3 before the State Commission) and for the respondent no. 1 (i.e. the complainant before the State Commission). We have also perused the record including *inter alia* the State Commission's impugned Order dated 22.04.2019 and the memorandum of appeal.

3. The appeal has been filed with reported delay of 19 days.

However, in the interest of justice, and considering the reasons mentioned in the application for condonation of delay, as also in order to decide the matter on merit rather than to dismiss it on the threshold of limitation, the delay in filing the appeal is condoned.

4. The appeal impugns an interlocutory order of the State Commission vide which the appellant i.e. the opposite party no. 3 before the State Commission was ordered to be proceeded against *ex parte*. The said Order is reproduced below for reference:

22.04.2019

Counsel for the complainant. Present. Sri S. Nagesh Reddy, Advocate offers to file vakalat for OP1 & 2. OP3 called absent though served satisfactorily as per the track record. Called absent. Set *ex parte*. For vakalat and written version of OP1 & 2, call on 20.05.2019.

5. It seems that despite service of notice the opposite party no. 3 did not appear before the State Commission and as such the State Commission ordered that it be proceeded against *ex parte*.

6. Though not expressing any opinion about the merits of the case, but considering the nature of the dispute and the overall facts and circumstances in their totality, and also keeping in perspective the first principles of natural justice, we feel it just and appropriate that one opportunity may be provided to the appellant to contest its case subject to suitable terms / cost.

7. As such, the Order dated 22.04.2019 of the State Commission to the extent it relates to proceeding *ex parte* against the opposite party no. 3 is set aside subject to cost of Rs. 50,000/- to be paid by the opposite party no. 3 to the complainant within 30 days from today without fail. It is simultaneously directed that the opposite party no. 3 shall file its written version before the State Commission within 30 days from today failing which its right to file written version shall obliterate.

The State Commission is requested to proceed further with the adjudication of the case in the normal wont as per the law.

If the cost imposed is not paid within the stipulated period the State Commission's Order of 22.04.2019 shall stand as it stood and the State Commission shall so proceed further.

The opposite party no. 3 is sternly advised to conduct its case properly before the State Commission. It is clarified that if the opposite party no. 3 yet again fails to appear before the State Commission on any date the State Commission shall be free to proceed *ex parte* against it in its wisdom.

8. The parties are directed to appear before the State Commission on 15.02.2023.

The respondents no. 2 and no. 3 herein i.e. the opposite parties no. 1 and no. 2 before the State Commission are not present or represented before this Commission. As such, if, for whatever reason, the opposite parties no. 1 and no. 2 do not appear before the State Commission on 15.02.2023 the State Commission shall issue notice to them and ensure its due service.

9. The Registry is requested to send a copy each of this Order to the parties in the appeal and to their learned counsel within 03 days. The Registry is also requested to forthwith communicate this Order to the State Commission by the fastest mode available. The stenographer is requested to upload this Order on the website of this Commission immediately.

'Dasti', in addition, to facilitate timely compliance.

.....  
**DINESH SINGH**  
**PRESIDING MEMBER**  
 .....J  
**KARUNA NAND BAJPAYEE**

