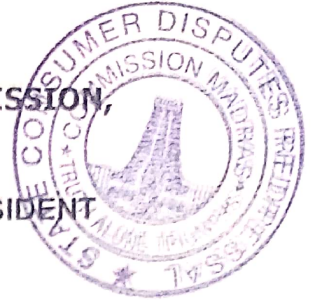


**IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION,
CHENNAI**

BEFORE : Hon'ble Mr. Justice R. SUBBIAH

PRESIDENT



R.P.NO.46/2025

(Against the order in CC.No.228/2025 on the file of the DCDRC, Chennai (South))

DATED THIS THE 28th DAY OF NOVEMBER 2025

Dr. A. Keerthy Aberna
T1-Sai Castle, Sterling Avenue
Sakthi Nagar, Porur
Chennai- 600 116

✓ M/s. A.S. Arvind
Counsel for
Petitioner / Complainant

Vs.

LEGSGO CORPORATE (Legsgo Holidays)
Rep. by its Proprietor Lenin Ganesan
2nd Floor 201, New Door No.25 and 27
Old No.43 and 44, Akshaya Shanthi
Anna Salai, Chennai- 600 002

Served and called absent
Respondent / Opposite party

This Revision Petition is filed by the petitioner / Complainant praying to set aside the order dt.03.09.2025 in CC.No.228/2025 by receiving the written version of the opposite party, before the District Commission, Chennai (South).

This petition coming before me for hearing on today, upon hearing the arguments of the counsel for petitioner, and upon perusing the documents, this commission made the following order.

ORDER

JUSTICE R.SUBBIAH, PRESIDENT

1. This Revision Petition is filed by the Petitioner / Complainant praying to set aside the order dt.03.09.2025 in CC.No.228/2025, before the District Commission, Chennai (South).

2. The Petitioner as complainant filed a complaint against the opposite party, before the District Commission, Chennai (South) by alleging deficiency in service against the opposite party praying for the following relief:

- a. To refund Rs.25000/- unlawfully charged from complainant
- b. To refund Rs.4200/- towards additional expenses incurred by the complainant
- c. To pay Rs.5,00,000/- as compensation

In the above said complaint, the District Commission, had received the version of the opposite party. Against the said order dt.03.09.2025, the complainant filed the present Revision Petition, on the ground that the opposite party had filed their version beyond the statutory period of 45 days, therefore order of the District Commission, Chennai (South) by receiving the written version of opposite party is against law. Thus prayed for setting aside the order dt.03.09.2025, and had pleaded to set the opposite party as exparte in the complaint in CC.No.228/2025 before the District Commission.

3. The learned counsel for the petitioner/ complainant had submitted before this commission that actually the notice was served upon the opposite party and the opposite party had entered appearance on 17.7.2025. As per the order of the Hon'ble Supreme Court reported in New India Assurance Co. Ltd., Vs. Hilli Multipurpose Cold Storage reported in (2020) 5 SCC 757 the opposite party ought to have filed their written version on or before 31.8.2025. But in the present case, the opposite party had filed their version only on 03.09.2025, which is ex facie barred by limitation. Thus prayed for setting aside the order.

4. Keeping the submissions in mind I have carefully gone through the documents placed on record.

5. In this connection it is pertinent to extract the relevant provision i.e. Sec.38(3)(a) of the Consumer Protection Act 2019, which reads as follows;



"refer a copy of the admitted complaint, within twenty-one days from the date of its admission to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by it;"

As specified in Section 38(3)(a) of the CP Act, 2019, the District Commission shall grant 30 days' time to the Opposite party for filing their version and the said Section permits the Commission to extend the time by 15 more days and, in total, the Opposite party is entitled to a total respite of 45 days to file the written version of the case. Therefore, the version of the opposite party shall be filed within a period of 45 days, from the date of receipt of notice alongwith the complaint copy.

In view of the above, it is crystal clear that the law has not permitted the opposite party to file their reply beyond the period of 45 days. When there is no power vested with the District Commission to extend the time in filing the written version beyond the statutory period of 30 + 15 days, then allowing the opposite party to file their written version beyond 45 days is not legally sustainable.

In the case on hand, on verification of records, it is seen that the Respondent/ opposite party entered their appearance on the first date of hearing on 17.7.2025 itself. The 45 days for filing written version expired on 31.8.2025. Hence the complaint ought to have filed written version on or before 31.8.2025. But the Respondent/ opposite party, had filed their version on 3.9.2025 only.

The District Commission, failed to look into the fact that the opposite party had entered into appearance on 17.7.2025 itself, thereby the limitation for filing version ends on 30.8.2025. Since 30.8.2025 and 31.8.2025 falls on Saturday and Sunday, the version ought to have been filed on or before 1.9.2025. But the version of the opposite party had been filed only on 03.09.2025, after the expiry of statutory

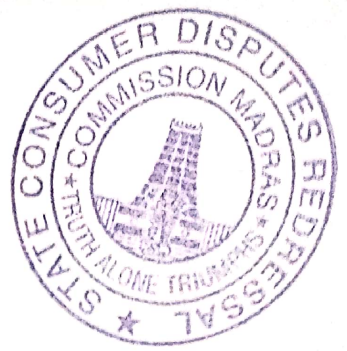
period. When the Act itself contains an in-built provision regarding the time-limit for filing the response or written version, allowing the other side to file an additional written version after expiry of the statutory period will defeat the very purpose of the provision. No such extra statutory permission can be granted even if there is no-objection by the other side/complainant.

But the District Commission, contrary to the legal provision & procedure and also to the ratio laid down in the ruling rendered by the Constitution Bench in the case of New India Assurance Co. Ltd., Vs. Hilli Multipurpose Cold Storage reported in (2020) 5 SCC 757, had received the version, beyond the statutory period of 45 days, which is unsustainable. The Revision petition deserves to be allowed accordingly.

8. **In the result, the Revision Petition is allowed, by setting aside the order of the District Commission, Chennai (South) in CC.No.228/2025 dt.03.09.2025. The District Commission, Chennai (South) is directed to set the opposite party as exparte in the proceedings of CC.No.228/2025, and decide the case on merit based on the documents and submissions made on the side of the petitioner/ complainant. There is no order as to cost.**

Sd/-
R.SUBBIAH
PRESIDENT

INDEX : YES / NO
Rd/DRS// ORDERS



STATE CONSUMER DISPUTES REDRESSAL COMMISSION, CHENNAI

TAMIL NADU

Free certified copy

Case No. RPNo-46/2025

Serial No. of the Application -

Date of receipt of Application -

Name of the applicant -

Date of disposal 28.11.2025

Date of preparation of Copy 10.12.2025

Date of dispatch of free certified copy of order -

By Hand 10.12.2025

By Post -

R. M. M. M.
REGISTRAR

ml STATE COMMISSION, CHENNAI
TAMIL NADU

10/12/25