

(2022) 02 TDSAT CK 0078

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Cyber Appeal 1 Of 2021 With Misc Application 56, 57 Of 2021

Bharat Sanchar Nigam Ltd

APPELLANT

Vs

Mahaveer Packaging Indore And Ors

RESPONDENT

Date of Decision : 18-02-2022

Acts Referred:

Information Technology Act, 2000 — Section 57(3)

Citation : (2022) 02 TDSAT CK 0078

Hon'ble Judges : Shiva Kirti Singh, Chairperson; Subodh Kumar Gupta, Member

Bench : Division Bench

Advocate : Advait Ghosh

Final Decision : Dismissed

Judgement

Heard learned counsel for the appellant and perused the application seeking condonation of delay in filing of this appeal. The impugned order was

passed on 2.1.2020 by the Adjudicating Officer/Principal Secretary, Govt. of Madhya Pradesh. The complainant has been awarded the amount he

lost from his bank account. In the transaction, as per the impugned order, Bank of Baroda as well as the appellant were found negligent and hence

both have been ordered to share equally the amount of loss which is Rs. 2,92,000/- and also damages and costs etc. amounting to Rs. 2 lakhs.

The appeal was preferred on 22.3.2021, much beyond the period of 45 days. The application to condone the delay (M.A. No. 56 of 2021) does not

contain any explanation which may satisfy this Tribunal that there was sufficient cause for not filing the appeal within the period of limitation. No

dates or details have been furnished for exercise of the prayer to condone the delay as contained in Proviso to Section 57(3) of the Information

Technology Act, 2000.

Considering the entire facts and circumstances, the interest of justice and the likely harassment which may be caused to the complainant by condoning delay without their being sufficient explanation, the prayer to condone the delay is rejected. As a result, the appeal is dismissed as one barred by limitation. It stands disposed of accordingly along with the pending M.As. There shall be no order as to costs.