
(1999) 03 NCDRC CK 0058

In the National Consumer Disputes Redressal Commission

CHIEF ACCOUNTS OFFICER (TR)

APPELLANT

Vs

V.YAMINI

RESPONDENT

Date of Decision : 19-03-1999

Acts Referred:

Citation : 1999 2 CPJ 545 : 2000 1 CPR 73

Hon'ble Judges : S.Parvatha Rao , T.Ranga Rao , Mamata Lakshman J.

Final Decision : Appeals dismissed

Judgement

1. FA. IA. No. 1260/1998 is for condoning the delay of 54 days in presenting the appeal FA. SR. No . 3347/1997 by the opposite parties in C.D. No. 145/1994 questioning the order of the Nalgonda District Forum dated 11.9.1997. The order of the District Forum was despatched on 6.10.1997 and the Counsel for the petitioners/appellants states that as per the notings on the copy of the order received by the petitioners it was received by them on 8.10.1997. The last date for presenting the appeal was 7.11.1997. The appeal was presented on 30.12.1997. The reason for the delay as stated in the affidavit given by the Advocate clerk of the Senior Standing Counsel is as follows : "I submit that the order copy sent by the Asst. Government Pleader received by me on 15.10.1997 and the same was misplaced in the office as the order copy was mixed up in the other files, due to a reminder from the Telephone Authorities the order copy was searched and traced."

There is no explanation for the delay in presenting the appeal except stating that the papers were misplaced in the office. We find that in a number of cases it has become a fashion for the learned Counsel appearing for the petitioners seeking condonation of delay to file affidavits of their respective Advocates stating that bundles were misplaced in their offices. Earlier the parties themselves were filing affidavits to that effect and as that reason was not being accepted by this Commission, now this type of affidavits cropped up. We are of the view that the Counsel himself has to take the responsibility and he cannot escape from that responsibility. The Supreme Court stated that the parties will have to bear the

consequences of the negligence or mistakes of their Advocates. In view of this clear position, we are not inclined to condone the inordinate delay of 54 days in presenting the appeal when the Parliament has thought fit to give only 30 days time for preferring appeals not merely before this Commission but also before the National Commission and also the Apex Court. On the facts stated we find that sufficient cause is not made out. FA. IA. No. 1260/1998 for condoning the delay is therefore dismissed and the appeal FA. SR. No. 3347/1997 is rejected.

2. WE have perused the order of the District Forum in order to satisfy ourselves about its legality and regularity. WE do not find any ground for interfering with the order of the District Forum in exercise of our revisional powers under Section 17(b) of the Consumer Protection Act, 1986. The grievance of the complainant before the District Forum was that she received a bill dated 1.11.1992 for the period from 16.8.1992 to 15.10.1992 for Rs. 36,998/- even though earlier she never received any bill exceeding Rs. 1,000/- except a bill for Rs. 1,600/- on one occasion and another bill for Rs. 4,000/- in respect of which she lodged a complaint. After the complainant protested in writing, the Authorities concerned gave a provisional bill for Rs. 1,485/- keeping the balance of Rs. 35,513/- under suspense and subsequently issued a final bill for Rs. 11,313/- without giving any reason whatsoever as to how that bill amount was arrived at in place of Rs. 36,998/-The District Forum after considering all aspects of the matter, held that there was no basis whatsoever for issuing the bill for Rs. 11,313/- and that no explanation was forthcoming from the opposite parties for arriving at Rs. 11,313/- and on that basis held that as the provisional bill for Rs. 1,485/- was based on the average of the bills, that should be confirmed. As the telephone of the complainant was disconnected for non-payment of the bill for Rs. 11,313/- the District Forum awarded compensation of Rs. 1,000/- and costs of Rs. 300/-. WE do not find any illegality or irregularity in the order of the District Forum. Appeals dismissed.